MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF DECEMBER 4, 2009

(Published December 12, 2009, in Finance and Commerce)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

December 4, 2009 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Gordon, Hofstede, Ostrow, Schiff, Lilligren, Colvin Roy, Glidden, Remington, Benson, Goodman, Hodges, Samuels, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Adopted upon a voice vote 12/4/2009.

Absent - Schiff, Samuels.

Lilligren moved acceptance of the minutes of the regular meeting and the adjourned session of December 13, 2009 and the adjourned session held November 19, 2009. Seconded.

Adopted upon a voice vote 12/4/2009.

Absent - Schiff, Samuels.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 12/4/2009.

Absent - Schiff, Samuels.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273914)

Quarterly status report on 2010 Census Activities

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273908)

Classification of Tax-Forfeited Land.

Lovell Square Project: Amendment of 6/26/2009 action re 2005 Affordable Housing Trust Fund. Old Third Avenue Townhomes Project (re 929 Third Ave NE): Extension of development rights & financial assistance provided to Twin Cities Habitat for Humanity, Inc.

Saks Ground Lease, Parking Agreement & Sale Agreement: Authorizing one year extension.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273909)

Home Ownership Works Program: Amendment of Guidelines. (Also see Department of Grants & Special Projects report).

GRANTS AND SPECIAL PROJECTS (273910)

2009 Consolidated Plan: Amendment No. 1 to Plan, modifying guidelines for Homeownership Works Program. (Also CPED staff report).

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (273911)

Living Cities Grant Award.

Land Bank Agreement under the Neighborhood Stabilization Program: Reallocation of NSP funds to Twin Cities Community Land Bank.

2009 Property Management Costs for CPED's Inventory: Additional expenditures from 2009 existing balance.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273912)

Kelly Brothers Properties, LLC (re 2450 Minnehaha Ave S): Preliminary approval to issue bonds for acquisition & rehabilitation of building.

Open Systems International, Inc: Preliminary approval to issue bonds, as joint partnership with Hennepin County, to purchase land at Highway 55 & Arrowhead Rd, Medina, MN.

Center for Energy & Environment: Contract to utilize Energy Efficiency Conservation Block Grant funding to provide residential energy efficiency services.

Grain Belt Office Building (re 1215 Marshall St): Appropriation increase re stabilization of building re water damage.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (273913)

St. Anthony West NRP Phase II NRP Action Plan.

ELECTIONS (See Rep):

CITY CLERK (273915)

2009 Municipal Election: Certify November 3, 2009, election results.

HEALTH, ENERGY AND ENVIRONMENT:

CIVIL RIGHTS (273916)

Contract Compliance Report: 2009 Third Quarter Activity.

HEALTH, ENERGY AND ENVIRONMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273917)

Sustainability Indicators and Targets: Approve amendments to the targets for the Employment and Poverty Sustainability Indicator.

HEALTH AND FAMILY SUPPORT SERVICES (273918)

Continuity of Operations Plan Annex to the Emergency Operations Plan: Approve Negative Sick Leave Policy.

HEALTH, ENERGY AND ENVIRONMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273919)

Minneapolis Economic Recovery Strategy - Energy Efficiency and Conservation Block Grant Program: Authorize submit application to the United States Department of Energy, on behalf of the Cities of Minneapolis and St. Paul, for \$30 million to reduce energy in 50% of the buildings in Minneapolis and St. Paul within 10 years; make such modifications as indicated by further guidance by the Department of Energy; and Direct staff to develop and recommend to the City Council an energy efficiency bond program.

HEALTH AND FAMILY SUPPORT SERVICES (273920)

Class Action Settlement: Accept \$319 in other grant funds from Global Education Settlement Administrator; and Approve appropriation.

School Based Clinic Services: Execute contract with Fairview Health Services, dba Fairview Diagnostic Laboratories, for laboratory services through December 31, 2012.

INTERGOVERNMENTAL RELATIONS (273921)

Minneapolis Economic Recovery Strategy - Energy Efficiency and Conservation Block Grant Program: Accept \$3,909,800 from United States Department of Energy for use in activities elaborated in the grant application previously approved by the City Council on June 12, 2009; and Approve appropriations.

PUBLIC WORKS AND ENGINEERING (273922)

Energy Audit for City Owned Facilities: Negotiate and execute professional services agreement with Questions and Solutions Engineering Inc for consulting services.

REGULATORY SERVICES (273923)

Lead Hazard Reduction: Accept grant award of \$12,500 from State of Minnesota to supply lead safe housing to Minneapolis residents during lead hazard reduction activities; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

ATTORNEY (273924)

City Charter Revision: Memo on issues identified during Charter review process.

INTERGOVERNMENTAL RELATIONS (See Rep):

COORDINATOR (273925)

Mpls City Charter: Revised ordinance amending Chapter 3, Section 4 re position of Director of Regulatory Services in the appointment process.

INTERGOVERNMENTAL RELATIONS (273926)

City of Mpls 2010 Legislative Agenda.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (273927)

Domestic Violence Initiative: Update on Minneapolis Pledge to Reduce Domestic Violence.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273928)

Licenses: Applications.

LICENSES AND CONSUMER SERVICES (273929)

Punch Neapolitan Pizza (802 Washington Av SE): Grant On-Sale Wine Class E with Strong Beer License, subject to conditions; and Sidewalk Cafe License.

LICENSES AND CONSUMER SERVICES (273930)

Sound Bar (414 3rd Av N): Approve License Settlement Conference recommendations relating to On-Sale Liquor Class A with Sunday Sales License.

Quick Stop (3601 Penn Av N): Approve License Settlement Conference recommendations relating to Grocery and Tobacco Licenses.

Unparalleled Parking (7509 62nd Ct N, Brooklyn Park): Approve License Settlement Conference recommendations relating to Valet Parking License.

REGULATORY SERVICES (273931)

Grocery Stores: Ordinance clarifying the definition of specialty food stores and amending certain requirements for grocery stores.

Rental Dwelling License at 1819 25th Av N: Approve license reinstatement to be held by Parking Management; contact David Homan.

REGULATORY SERVICES (273932)

Rental Dwelling Licenses at 2650 Upton Av N, 3322 Dupont Av N, and 3250 Dupont Av N: Revoke licenses held by Randy R. Olson.

REGULATORY SERVICES (273933)

Rental Dwelling License at 2732 Bloomington Av: Revoke license held by Tom Bohlen.

PUBLIC SAFETY AND REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273934)

Emergency Operations and Training Facility: Authorize proceed with design and construction of three apparatus bays to be built as an addition to the newly constructed facility; Accept Federal Appropriations, in the amount of \$750,000 and execute any necessary agreements associated with the appropriation; and Execute Amendment #2 to contract with Wold Architects and Engineers, increasing by \$105,000 for a revised total of \$517,543, to provide design services for the required additional apparatus bays.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (273935)

Operation NightCAP Grant: Execute 2010 agreement with Minnesota Department of Public Safety, State Patrol Division, to accept \$12,925 to pay overtime to Traffic Unit officers for increased enforcement targeting impaired drivers and increase driver safety; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS:

CENTERPOINT ENERGY (273936)

Utility Pole: Install at (a) 2810 28th St W; and (b) 3550 Cedar Ave S.

PUBLIC WORKS AND ENGINEERING (273937)

Downtown Improvement Special Service District: Letters of objection. (See Petn No 273800)

PUBLIC WORKS AND ENGINEERING (273938)

East Lake Street Service District: Letters of objection. (See Petn No 273800)

PUBLIC WORKS AND ENGINEERING (273939)

Source Separated Organics (SSO) Pilot Collection Programs: Interim report.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273940)

Water Treatment and Distribution Consulting Services: Increase contract with TKDA to fill position of interim Director of Water Treatment and Distribution; and comments.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (273941)

Metropolitan Emergency Services Board (MESB): Accept grant for 800 MHz radios.

2nd Ave Traffic Signal Priority: Increase award with Metropolitan Council.

Bids: a) OP 7182, Accept bid of Hawkins, Inc. for hydrochloric acid; and b) OP 7209, Accept low bid of Reliakor Services, Inc., for sidewalk snow removal and maintenance for Central Ave Special Service District.

WAYS AND MEANS BUDGET:

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (273942)

Target Center Capital Improvement Plan and Finance Plan report.

FINANCE DEPARTMENT (273943)

Internal Audit Function: Quality Assessment and Recommendation report.

POLICE DEPARTMENT (273944)

2010 Budget Reduction Strategy report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273945)

Establishment of Legal Services Panels: a) Adopt placement of attorneys and law firms on the City's Legal Services Panel; b) Authorize "Master Agreements" through December 31, 2012, with the cost for each agreement not to exceed \$300,000 for the three-year period; and c) Authorize waiving the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

COMMUNICATIONS (273946)

Wireless Community Benefits: Approve 14 additional applications for free Wireless Community accounts.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (273947)

Meet Minneapolis: Accept non-profit convention events funds.

FINANCE DEPARTMENT (273948)

Annual Property Insurance Premium for Minneapolis Convention Center, Tallmadge Building, and Parking Ramp: a) 2010 coverage; b) XL Insurance quote; and c) terrorism coverage.

General Obligation Taxable Tax Increment Refunding Bonds: Resolution to accept bids and award bonds for the Target Center Project.

ZONING AND PLANNING (See Rep):

COUNCIL MEMBER OSTROW (273949)

Resolution: Passage of Resolution regarding the Lowry Avenue Corridor Plan

HERITAGE PRESERVATION COMMISSION (273950)

Designation of the Minneapolis Warehouse District

INSPECTIONS/BOARD OF ADJUSTMENT (273951)

Appeal: Mike Rudh (5307 Russell Ave S)

PLANNING COMMISSION/DEPARTMENT (273952)

Zoning Code Text Amendment: Outdoor Children's Play Areas Ch. 536 & 546

Vacation Correction: Passage of resolution correcting the legal description in VAC521 passed 6/26/1970

FILED:

URBANARTS ACADEMY (273953)

Letter of thanks to the City of MpIs regarding the grant donation, Lisa Lindstrom, Executive Director.

The following reports were signed by Mayor Rybak on December 7, 2009, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration a modification to the Home Ownership Works (HOW) Program Guidelines relating to acquisition and development of single family homes by non-profit developers and amending HOME guidelines' affordability period, now recommends:

- a) Approval of said modification to the HOW Program Guidelines, as set forth in the Department of Community Planning & Economic Development staff report;
- b) Approval of Amendment No. 1 to the 2009 Consolidated Plan, modifying the HOW Program Guidelines; and

c) That the proper City officers be authorized to further develop the proposed amendment as necessary for submittal to the U.S. Department of Housing & Urban Development on December 1, 2009. Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev - Your Committee, having under consideration classification of tax forfeited land, now recommends passage of the accompanying resolution which approves the following:

- a) Classification of various properties as non-conservation land;
- b) Conveyance of five Hennepin County tax-forfeited properties to the City of Minneapolis for \$1.00 each, in accordance with the Memorandum of Understanding between the two governmental entities;
- c) Conveyance of four Hennepin County tax-forfeited properties to the City of Minneapolis for the fair market value as agreed to by both parties, utilizing the deferred payment option as outlined in the Memorandum of Understanding between the two governmental entities;
- d) Authorizing a six-month hold of five tax-forfeited properties located in non-target neighborhoods to allow Department of Community Planning and Economic Development and Hennepin County staff to negotiate purchase;
- e) Authorizing the Mayor and the City Clerk to sign an application for title registration which will be filed pursuant to Minnesota Statutes 508.03(6).

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Resolution 2009R-561, approving the classification of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-561 By Goodman

Approving the classification of certain tax-forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the properties listed below be withheld from public and private sale and conveyed to the City of Minneapolis/Department of Community Planning and Economic Development (CPED):

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	Lot Size	Current Use	Legal Description
02 028 24 32 0132 3545 COLUMBUS AV Non-Conservation	Yes	8 R2B 07/09/09	42X122 5,124	Vacant, Condemned, Single Family 249 List	W 122 FT LOT 009 BLOCK 001 FRENCH'S ADDITION TO MINNEAPOLIS

09 029 24 32 0190 2946 OLIVER AVE N Non-Conservation	Yes	5 R2B 07/09/09	42X127 5,459	Vacant Land	LOT 012 BLOCK 003 "SUPPLEMENT TO FORREST PARKADDITIONTO MINNEAPOLIS"
10 029 24 32 0164 428 31ST AVE N Non-Conservation	Yes	3 R2B 07/09/09	41X116 4,756	Vacant Land	W 41 FT OF LOTS 7 AND 8 BLK 7 MORRISONS ADDITION TO NORTH MINNEAPOLIS
15 029 24 23 0035 2218 4TH ST N Non-Conservation	Yes	3 R2B 07/09/09	40X157 6,280	Vacant Land	LOT 019 BLOCK 001 NICKELS AND SMITH'S ADDITION TO MINNEAPOLIS
16 029 24 24 0061 1564 HILLSIDE AVE Non-Conversation	Yes	5 R2B 07/09/09	44X125 5,500	Vacant, Boarded, Single Family	LOT 039 BLOCK 015 "FOREST HEIGHTS"
17 029 24 11 0243 2410 MCNAIR AVE Non-Conservation	Yes	5 R1A 08/06/09	105X166X 197 8,747	Vacant Land	THAT PART OF LOT 1 LYING SOUTHWESTERLY OF A LINE DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER THEREOF THENCE NORTH 57 DEGREES 35 MINUTES 36 SECONDS EAST ASSUMED BEARING ALONG THE SOUTHEAST LINE OF SAID LOT 1 A DISTANCE OF 105.38 FEET TO POINT OF BEGINNING OF LINE TO BE DESCRIBED THENCE NORTH 32 DEGREES 24 MINUTES 24 SECONDS WEST A DISTANCE OF 166.01 FEET TO THE WEST LINE OF SAID LOT 1 AND THERE

TERMINATING BLOCK 008 "FERRANTS **FIRST ADDITION** TOMINNEAPOLIS" 17 029 24 11 0244 Yes 5 **IRR** Vacant Land **THAT PART OF** 2406 MCNAIR AVE R1A LOT 1 LYING 12,050 Non-Conservation 08/06/09 **NORTHEASTERLY** OF A LINE AND ITS **EXTENSIONS DESCRIBED AS COMMENCING AT** THE SOUTHWEST **CORNER THEREOFTHENCE** NORTH57 **DEGREES 35** MINUTES 36 **SECONDS EAST ASSUMED BEARING ALONG** THE SOUTHEAST LINE OF SAID LOT 1 A DISTANCE OF 105.38 FEET TO **POINTOF BEGINNING OF** LINE TO BE **DESCRIBED** THENCE NORTH 32 DEGREES 24 MINUTES 24 **SECONDS WEST** A DISTANCE OF 166.01 FEET TO THE WEST LINE OF SAID LOT 1 **AND THERE TERMINATING INCLUDING ADJACENT PART OF VACATED RUSSELL AVE** BLOCK 008 "FERRANTS FIRST **ADDITIONTO** MINNEAPOLIS"

09 029 24 31 0026 3107 HUMBOLDT AVE Non-Conservation	Yes N	5 R1A 08/20/09	42X126 5,305	Boarded Garage	LOT006BLOCK001 KIETHANDERSON AND FARRIERS SUBDIVISION OF LOTS A AND B, OF BABBITTS OUT LOTS
09 029 24 32 0165 2954 MORGAN AV N Non-Conservation	Yes	5 R1A 09/17/09	43X126 5,392	Vacant Single Family	LOT014BLOCK001 "SUPPLEMENTTO FOREST PARK ADDITIONTO MINNEAPOLIS"

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the properties listed below be withheld from sale for six months:

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	Lot Size	Current Use	Legal Description
15 028 24 11 0036 4640 PORTLAND AV Non-Conservation	No High Need County	8 R1A 09/17/09	40X119 4,760	Vacant Single Family	LOT011BLOCK009 "F.A. SAVAGE'S PORTLAND AVE. ADDITION TO MINNEAPOLIS"
01 028 24 14 0094 3217 29TH AVE S Non-Conservation	No	9 R2B 08/06/09	42X159 6,678	Vacant Duplex	LOT024BLOCK009 "ROLLINS SECOND ADDITIONTO MINNEAPOLIS, MINNESOTA"
01 028 24 43 0201 3712 28TH AVE S Non-Conservation	No	9 R1A 08/06/09	56X126 7,122	Vacant Land	LOT 4 AND S 6 7/12 FT OF LOT 3 BLOCK 008 HULL'S ADDITION TO MINNEAPOLIS
26 029 24 32 0155 1024 1/2 PORTLAND A Non-Conservation	Yes V	7 DP/OR2 10/02/09	14X129 1,750	Vacant Commercial Land Contract Cancellation	SWLY 14 FT OF NELY 43 FT OF THAT PART OF LOT D LYING W OF 7TH AVE S LOT D W.E. JONES' ADDITION TO MINNEAPOLIS
26 029 24 32 0167 614 15TH ST E Non-Conservation	Yes	7 R6 08/20/09	70X125 8,750	Vacant, Boarded Cml Bldg (church)	E 70 FT OF S 125 FT OF LOT 16 AUDITOR'S SUBDIVISION NO. 001 HENNEPIN COUNTY, MINN

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the properties listed below be released for public auction:

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	Lot Size	Current Use	Legal Description
12 118 21 42 0116 4859 LYNDALE AV N Non-Conservation	No	4 C1/SH 07/09/09	3X109 3,267	Vacant Commercial Land	THAT PART OF LOT 1 BLK 1 LYING WLY OF A LINE BEG AT SE COR THOF TH RUN NLY TO A PT ON N LINE THOF DIST 108.97 FT E OF NW COR THOF "CHAUTAUQUA" ADDITION TO MINNEAPOLIS"
01 028 24 13 0227 2530 34TH ST E #S18 Non-Conservation	Yes	04/14/08 07/09/09	100 400	Vacant Condo Storage Locker	UNIT NO S18 CIC NO. 1308 HIAWATHA COURT CONDOMINIUM
09 029 24 42 0126 2903 FREMONT AV N Non-Conservation	Yes	5 R4 07/09/09	40.6X126.5,151	9 Vacant Land	LOT 13 AND THAT PART OF LOT 12 LYING S OF THE N 39 FT THEREOF EX ST BLOCK 014 "SILVER LAKE ADDITION" TO MINNEAPOLIS
13 029 24 24 0078 1128 LINCOLN STNE Non-Conservation	Yes	1 R2B 07/09/09	33X113 3,729	Vacant Land	LOT 008 BLOCK 003 "MARTINS ADDITIONTO MINNEAPOLIS"
16 029 24 22 0158 2115 WILLOW AV N Non-Conservation	Yes	5 R2B 07/09/09	45X125 5,625	Vacant Land	LOT 019 BLOCK 020 "FOREST HEIGHTS"
21 029 24 21 0001 1401 PLYMOUTH AVE Non-Conservation	Yes N	5 R5 07/09/09	44X143 6,292	Vacant Apartment Land	EX ST LOT 001 BLOCK 001 "OAK PARK ADDITION TO MINNEAPOLIS"

26 029 24 43 0003 1525 18TH ST E Non-Conservation	Yes	6 NP/R2B 07/09/09	33X143 4,719	Vacant Land	N143.00 FTLOT 059 AUDITOR'S SUBDIVISION NO. 033 HENNEPIN COUNTY, MINN
26 029 24 43 0106 1834 15TH AVE S Non-Conservation	Yes	6 NP/R4 07/09/09	42X100 4,200 Repurch a	Occupied Single Family ased 8/04/09	E 100 FT LOT 009 BLOCK 002 CORNELL'S THIRD ADDITION TO MINNEAPOLIS
27 029 24 24 0883 1235 YALE PL #G201 Non-Conservation	Yes	07/09/09	2,200 6,300 Repurch a	Vacant Condo Garage ased 8/11/09	UNIT NO 345 CONDOMINIUM NO. 0266 LORING GREEN WEST, A CONDOMINIUM
34 029 24 14 0013 515 24TH ST E Non-Conservation	Yes	6 R6 07/09/09	50X88 & 11X44 4,400	Vacant Apartment Land	LOT014AUDITOR'S SUBDIVISION NO. 213 HENNEPIN COUNTY, MINN
35 029 24 44 0061 2941 BLOOMINGTON Non-Conservation	Yes AV	9 C1 07/09/09	41X123 5,077 Repurch	Occupied Non-Compliant Building ased 9/01/09	EX PART TAKEN FOR ALLEY LOT 005 BLOCK 001 BELLE PLAIN ADDITION TO MINNEAPOLIS
35 029 24 41 0147 2623 17TH AVE S Non-Conservation	Yes	9 R2B 07/23/09	36X123 4,391	Vacant Land	LOT011 REARRANGEMENT OF BLOCK TWO (2) GOULDS ADDITION TO MINNEAPOLIS
35 029 24 42 0229 2735 13TH AVE S Non-Conversation	Yes	9 R2B 07/23/09	51X127 6,502 Repurch	Vacant Single Family ased 8/25/09	N 23 FT OF LOT 8 AND S 28 FT OF LOT 9 BLOCK 009 WRIGHT'S ADDITION TO MINNEAPOLIS
07 028 23 24 0137 4024 37TH AVE S Non-Conservation	No	12 R1A 07/23/09	40X127 5,040	Occupied Single Family	LOT 001 BLOCK 006 "SMITH AND HOWE'S FIRST ADDITION TO MINNEAPOLIS"

02 028 24 33 0107 720 38TH ST E Non-Conservation	Yes	8 R4 07/23/09	38.50X 88.30 3,344	Occupied Single Family	E 38 1/2 FT OF LOTS 5 AND 6 AND E 38 1/2 FT OF S 10 FT OF LOT 7 "MILLER- TYLER ADDITION TOMINNEAPOLIS," HENNEPIN COUNTY, MINNESOTA
04 028 24 11 0043 3009 BRYANT AVE S Non-Conversation	No	10 C2/PO 07/23/09	46X129 5,913 Repurcha	Occupied Apartment Building ased 8/18/09	LOT 010 BLOCK 003 "CALHOUN PARK"
16 029 24 24 0189 1415 W BROADWAY Non-Conversation	Yes	5 OR2 07/23/09	50X90 4,500	Vacant Land	EX ST LOT 004 BLOCK 031 "FOREST HEIGHTS"
17 029 24 41 0031 2315 GOLDEN VALLEY Non-Conservation	Yes YRD	5 R1A 07/23/09	41X126 5,147	Occupied Single Family	LOT 004 BLOCK 002 EASTLAWN ADDITION TO MINNEAPOLIS
03 028 24 33 0271 3636 GRAND AVE S #0 Non-Conservation	Yes G7	8 R5	IRR 10,400	Occupied Condo Garage	UNIT G-7 CIC NO. 1326 3636 GRAND AVENUE CONDOMINIUM
10 029 24 33 0005 2820 4TH ST N Non-Conservation	Yes	3 R2B 08/06/09	41X157 6,437 Repurch a	Vacant Land	LOT 003 BLOCK 002 HOLWAY AND TAYLOR'S ADDITION TO MINNEAPOLIS
28 029 24 44 0435 1770 BRYANT AVE S #42G Non-Conservation	No	7 R6 08/06/09	IRR 31,050	Occupied Condo Garage	GAR NO 42G CIC NO. 0240 MOUNT CURVE CONDOMINIUM
34 029 24 32 0209 2616 HARRIET AVE S Non-Conservation	Yes	6 R5 08/06/09	CONDO 34,722 Repurcha	Occupied Condo	APT NO 101 AND GAR APT NO 101 APARTMENT OWNERSHIP NO. 0135 HARRIET PLACE, A CONDOMINIUM

10 029 24 33 0023 2714 4TH ST N Non-Conservation	Yes	3 R2B 08/06/09	44X157 6,908	Occupied Single Family	LOT 006 BLOCK 003 HOLWAY AND TAYLOR'S ADDITION TO MINNEAPOLIS
35 029 24 11 0161 2305 16TH AVE S Non-Conservation	Yes	9 R2B 08/06/09	58X123 7,116	Occupied Duplex	LOT 007 BLOCK 006 FOSTER'S ADDITION TO MINNEAPOLIS
02 028 24 11 0156 3013 16TH AVE S Non-Conservation	Yes	9 R2B 09/17/09	41X123 5,021	Occupied Duplex	LOT 028 BLOCK 002 "POWDER HORN PARK ADDITION TO MINNEAPOLIS"
16 029 24 43 0068 1509 FREMONT AV N Non-Conservation	Yes	5 R2B 09/17/09	47X155 7,281 Repurcha 10/06/09	Vacant Land ase Pending	LOT 005 BLOCK 011 "GALES SUBDIVISIONS IN SHERBURNE & BEEBE'S ADDITION TO MINNEAPOLIS"
34 029 24 43 0037 102 LAKE ST E Non-Conservation	Yes	6 C2 09/17/09	68X123 8,354 Repurcha 10/13/09	Vacant Commercial Building ase Pending	LOT 15 AND W 1/2 OF LOT 14 BLOCK 003 "BOULEVARD ADDITION TO MINNEAPOLIS"

Be It Further Resolved that the parcels listed below be designated as non-conservation land, and that all the property listed below be released for auction to adjacent owners:

PID Number Address	<u>Target</u>	Ward Zoning Forfeit Date	Lot Size	Current Use	Legal Description
11 029 24 11 0023 707 27TH AVE NE Non-Conservation	No	1 R2B 07/10/09	25X134 3,350 Contract	Vacant Land Cancellation	W 25FT OF E 78 35/100FTLOTS 4 5 AND 6 BLOCK 015 MENAGE'S SUPPLEMENT TO EAST SIDE ADDITION TO MINNEAPOLIS
02 028 24 11 0214 1717 1/2 LAKE ST E Non-Conservation	Yes	9 R2B/PO 08/06/09	4X122 458	Vacant Commercial Land	N 3 7/10 FT OF S 30 7/10 FT LOT 003 SUBDIVISION OF BLOCK 16 OF J.G. LENNON'S OUTLOTS TO MINNEAPOLIS

20 029 24 41 0157 Y 500 1/2 RUSSELL AVE N Non-Conservation	Yes 1	5 R1A 07/09/09	18X142 2,536	VacantLand	LOT 1 BLK 1 ENDSLEY FARRIER & HILLMAN'S ADDN TO MPLS AND LOT 14 BLK 2 C.G. MORRISON'S ADDN TO MPLS ALSO THAT PART OF LOT 3 AUD SUB'D NO. 023 LYING W OF SLY EXT OF E LINE SAID LOT 14 EXCEPT PART TAKEN FOR 5TH AVE N ENDSLEY, FARRIER AND HILLMAN'S ADDITION TO MINNEAPOLIS
36 029 24 24 0089 2418 24TH AVE S Non-Conservation	Yes	2 R2B 07/09/09	7X158 1,106	Vacant Land	S 7.28 FT OF LOT 18 BLK 1 WATERS' ADDITION TO MINNEAPOLIS MINN
17 029 24 43 0050 Y 1414 WASHBURN AVE N	Yes N	5 R1A	46X50 & 50X30 1,930	Vacant Land	SELY 46 FT OF THATPARTOFLOT 14 LYING E OF ALLEY AS OPENED BY CITY AUDITOR'S SUBDIVISION NO. 046 HENNEPIN COUNTY, MINN

Be It Further Resolved that the city is authorized to file an application for title registration on the tax-forfeited properties listed in this resolution for acquisition by the City of Minneapolis signed by the Mayor and the City Clerk pursuant to Minnesota Statutes 508.03(6).

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev - Your Committee, having under consideration the Council action of June 26, 2009 relating to approval of the 2005 Affordable Housing Trust Fund award of \$418,407 for the relocation of eligible tenants of the Lovell Square Project, now recommends approval to use said fund award to include all Community Development Block Grant-eligible expenses associated with the foreclosure action and closing.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev-Your Committee, having under consideration an extension of development rights and financial assistance to Twin Cities Habitat for Humanity, Inc. for the proposed Old Third Avenue Townhomes Project at 929 Third Avenue NE, now recommends that the proper City officers be authorized to execute the necessary agreements to extend the development rights and financial assistance provided to Twin Cities Habitat for Humanity, Inc. to start of construction of foundations no later than November 1, 2010 and the completion of the proposed development by no later than December 31, 2011; and to extend the Affordable Ownership Housing Program funding commitment to provide \$360,000 in assistance for construction and/or affordability gap financing for the proposed development. Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev - Your Committee, having under consideration the request of Brookfield LLC for an extension of the Saks Ground Lease, Parking Agreement, and Sale Agreement as relates to the Gaviidae I property to allow time to identify a qualified buyer and close the sale, now recommends that the proper City and/or Minneapolis Community Development Agency officers be authorized to execute a one year extension of the Saks Ground Lease, Parking Agreement, and Sale Agreement, to December 19, 2010.

Your Committee further recommends that the subject matter be forwarded to the Minneapolis Community Development Agency (MCDA) Board of Commissioners.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget — Your Committee, having under consideration the issuance of revenue bonds for Kelly Brothers Properties, LLC, to finance the acquisition and rehabilitation of a 38,000 square foot building at 2450 Minnehaha Ave S, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$1,700,000 in Taxable Limited Tax Supported Development Revenue Bonds, Common Bond Fund Series 2010, for Kelly Brothers Properties, LLC to be issued through the Common Bond Fund and designating the bonds as bonds entitled to the security provided by Ordinance No. 87-OR-084, Chapter 424, Tax Reserve and Pledge Ordinance.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Resolution 2009R-562, giving preliminary approval to a project on behalf of Kelly Brothers Properties, LLC (re 2450 Minnehaha Ave S) and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-562 By Goodman and Ostrow

Giving preliminary approval to a project on behalf of Kelly Brothers Properties, LLC and authorizing the issuance of revenue bonds or notes of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.

Whereas, under Sections 469.152 through 469.1651 of the Minnesota Statutes, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds or notes for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise engaged in any business; and

Whereas, the City has assumed the obligations of the Minneapolis Community Development Agency (the "Agency") with respect to a certain common bond fund and intends to continue to issue revenue bonds to be secured thereby (the "Common Fund Bonds"); and

Whereas, the City has authority to issue Common Fund Bonds and is the successor to the Common Fund Bonds issued by the Agency; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, other factors necessitating such active promotion and development of industry and commerce within the City are the increasing movement of population and business to suburban areas, the steady and rapid increase in the amount and cost of governmental services required to meet the needs of the central City area and the need for more intensive development and use of land within the City to provide an adequate tax base to finance these costs; and

Whereas, the promotion, attraction, encouragement and development of economically sound industry and commerce provides employment opportunities for residents of the City and encourages land development, thereby increasing the tax base of the City and overlapping taxing districts; and

Whereas, Kelly Brothers Properties, LLC, a Minnesota limited liability company, and its affiliate, Kelbro Company, a Minnesota corporation d/b/a Shamrock Group (together, the "Company"), has proposed to acquire, improve and equip an existing building located at 2450 Minnehaha Avenue South in the City (hereinafter, the "Project"), to be used in the operation of its ice making and distribution and related businesses; and

Whereas, the Company has proposed that the City issue one or more series of its Common Fund Bonds (the "Bonds"), for the purpose of financing the Project, including certain incidental expenses thereto, in a principal amount expected to not exceed \$1,700,000, and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Company pursuant to a revenue agreement wherein the Company will be obligated to acquire, improve and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payments of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of the Project would be significantly impaired, such that the Project might not be undertaken but for the availability of industrial development bond financing under the Act; and

Whereas, the City Council has been advised that the proposed bond issue has been submitted to the Mayor and the Planning Commission of the City at least fourteen (14) days prior to consideration hereof; and

Whereas, it is proposed that the Bonds would be further secured by Chapter 424 of the City Code of Ordinances; and

Whereas, the proposed Project consists of real and/or personal properties to be used in a revenueproducing enterprise engaged in business, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within the City, by incre asing the tax base of the City and overlapping taxing jurisdictions, by providing additional or retaining existing employment opportunities for residents of the City and surrounding area or by stimulating the development and redevelopment of marginal lands within the City; and

Whereas, except as may be authorized by Chapter 424 of the City Code of Ordinances, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

- 1. That it is hereby found and determined that the Project might not be undertaken but for the availability of industrial development bond financing under the Act.
- 2. That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act in an approximate aggregate principal amount of \$1,700,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%), to finance the costs thereof, all as referred to above, is hereby authorized and approved by the City, subject to the approval of the Project by the Department of Employment and Economic Development of the State of Minnesota (the "Department") under the Act, and to the agreement of the City, the Company and the purchaser or purchasers of the Bonds on the detailed terms and conditions on which the Project will be acquired, improved and equipped and the Bonds will be issued, sold and secured.
- 3. That in accordance with Sections 469.152 through 469.1651, Minnesota Statutes, staff of the City is hereby authorized and directed to submit the proposal for undertaking the Project to the Department requesting approval of the Project. The Finance Officer, the City Attorney and other officers, employees and agents of the City are hereby authorized to provide the Department such preliminary information as may be required for this purpose. The City Attorney is also authorized, in cooperation Gray, Plant, Mooty, Mooty & Bennett, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project in order that, when and if the Project is approved by the Department, it may be carried forward expeditiously.
- 4. That the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue any Bonds to finance the Project at any time prior to the adoption of the resolution authorizing the issuance of such Bonds should the City so determine.
- 5. That the City shall not adopt a resolution authorizing the issuance of the Bonds until all persons and entities, including the Company, involved in the operations or ownership of the Project have complied with all requirements of and had their respective affirmative action plans and equal opportunity requirements approved by the affirmative action office of the City.
- 6. That if and when the Bonds are issued by the City such Bonds shall be designated by the City Council of the City as bonds entitled to the security provided by Chapter 424 of the City Code of Ordinances and that the Bonds hereby requested to be designated shall not exceed \$1,700,000 or such other amount approved by the City not exceeding such sum by more than ten percent (10%).
- 7. This Resolution shall constitute the official intent of the City to reimburse expenditures by the Company with respect to the Project, within the meaning of Section 1.150-2 of the Treasury Regulations.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev & W&M/Budget — Your Committee, having under consideration the issuance of revenue bonds for Open Systems International, Inc (OSI), to be issued under a joint partnership with Hennepin County to finance the purchase of land at the intersection of Highway 55 and Arrowhead Road in Medina, MN, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$17,000,000 in Taxable and Tax-exempt Limited Tax Supported Development Revenue Bonds, Common Bond Fund, in two Series 2010, for OSI, to be issued under a joint partnership with Hennepin County through the Common Bond Fund and designating the bonds as bonds entitled to the security provided by Ordinance No. 87-Or-084, Chapter 424, Tax Reserve and Pledge Ordinance.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Resolution 2009R-563, giving preliminary approval to a project on behalf of Open Systems International, Inc. (for property acquisition at intersection of Highway 55 and Arrowhead Road in Medina, MN) and preliminary approval to the issuance of revenue bonds of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-563 By Goodman and Ostrow

Giving preliminary approval to a project on behalf of Open Systems International, Inc. and preliminary approval to the issuance of revenue bonds of the City of Minneapolis therefor; referring the proposed project to the Department of Employment and Economic Development for approval; and authorizing the preparation of necessary documents.

Whereas, under Sections 469.152 through 469.1651 of the Minnesota Statutes, as amended (the "Act"), the City of Minneapolis, Minnesota (the "City") is authorized to issue revenue bonds for the purpose of providing financing for the acquisition, construction, rehabilitation and installation of projects consisting of real and personal properties used or useful in connection with a revenue-producing enterprise engaged in any business; and

Whereas, the City has assumed the obligations of the Minneapolis Community Development Agency (the "Agency") with respect to a certain common bond fund and intends to continue to issue revenue bonds to be secured thereby (the "Common Fund Bonds"); and

Whereas, the City has authority to issue Common Fund Bonds and is the successor to the Common Fund Bonds issued by the Agency; and

Whereas, in enacting the Act, the Legislature found that the welfare of the State of Minnesota requires the active promotion, attraction, encouragement and development of economically sound industry and commerce to prevent, as far as possible, the emergence of blight and areas of chronic unemployment and to prevent economic deterioration; and

Whereas, Open Systems International, Inc., a Minnesota corporation, or an affiliate thereof (the "Company"), has proposed to acquire land and construct and equip a building to be located at the northwest corner of the intersection of Highway 55 and Arrowhead Road in the City of Medina (hereinafter, the "Project"), to be used in the operation of its business providing software solutions for utilities in the electric, oil and gas, transport, and water industries; and

Whereas, the Company has proposed that the City issue one or more series of its Common Fund Bonds (the "Bonds"), for the purpose of financing the Project, including certain incidental expenses thereto, in a principal amount expected to not exceed \$17,000,000, and the proposal calls for the proceeds realized upon the sale of the Bonds to be applied by the Company pursuant to a revenue agreement wherein the Company will be obligated to acquire, improve and equip the Project and to make payments under the revenue agreement at the times and in the amounts sufficient to provide for the prompt payments of principal of, premium, if any, and interest on the Bonds and all costs and expenses of the City incident to the issuance and sale of the Bonds; and

Whereas, the City has been advised by representatives of the Company that conventional, commercial financing to pay the capital cost of the Project has not been obtained and is available only on a limited basis and at such high costs and on such terms of borrowing that the economic feasibility of the Project would be significantly impaired, such that the Project might not be undertaken but for the availability of industrial development bond financing under the Act; and

Whereas, it is proposed that the Bonds would be further secured by Chapter 424 of the City Code of Ordinances; and

Whereas, the Bonds will be issued pursuant to the Joint Powers Agreement, dated as of April 1, 2004, among the City, Hennepin County and the Hennepin County Housing and Redevelopment Authority; and

Whereas, the proposed Project consists of real and/or personal properties to be used in a revenue-producing enterprise engaged in business, as authorized by the Act; and

Whereas, the undertaking of the proposed Project and the issuance of the Bonds to finance the cost thereof will further promote the public purposes and legislative objectives of the Act by encouraging the location and retention of revenue-producing enterprises within Hennepin County, by increasing the tax base of Hennepin County and overlapping taxing jurisdictions, and by providing additional or retaining existing employment opportunities for residents of the City and Hennepin County; and

Whereas, except as may be authorized by Chapter 424 of the City Code of Ordinances, the full faith and credit of the City will not be pledged or responsible for the Project or for the payment of the principal of, premium, if any, and interest on the Bonds;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

- 1. That it is hereby found and determined that the Project might not be undertaken but for the availability of industrial development bond financing under the Act.
- 2. That the undertaking of the Project and the issuance by the City of its Bonds pursuant to the Act in an aggregate principal amount of up to \$17,000,000, to finance the costs thereof, all as referred to above, is hereby preliminarily authorized and approved by the City, subject to (i) the approval of the Project by the Department of Employment and Economic Development of the State of Minnesota (the "Department") under the Act, (ii) the approval of the issuance of the Bonds by the City of Medina, Hennepin County and the Hennepin County Housing and Redevelopment Authority, and (iii) the agreement of the City, the Company and the purchaser or purchasers of the Bonds on the detailed terms and conditions on which the Project will be acquired, improved and equipped and the Bonds will be issued, sold and secured.
- 3. That in accordance with Sections 469.152 through 469.1651, Minnesota Statutes, following a public hearing with respect to the Project and the Bonds, the staff of the City is hereby authorized and directed to submit the proposal for undertaking the Project to the Department requesting approval of the Project. The Finance Officer, the City Attorney and other officers, employees and agents of the City are hereby authorized to provide the Department such preliminary information as may be required for this purpose. The City Attorney is also authorized, in cooperation Gray, Plant, Mooty, Mooty & Bennett, P.A., as bond counsel, to initiate preparation of such documents as may be appropriate to the Project in order that, when and if the Project is approved by the Department, it may be carried forward expeditiously.
- 4. That the adoption of this resolution by the City does not constitute a guarantee or a firm commitment that the City will issue the Bonds as requested by the Company. The City reserves the right, in its sole discretion, to withdraw from participation and accordingly not issue the Bonds to finance the Project.
- 5. That if and when the Bonds are issued by the City such Bonds shall be designated by the City Council of the City as bonds entitled to the security provided by Chapter 424 of the City Code of Ordinances and that the Bonds hereby requested to be designated shall not exceed \$17,000,000.
- 6. This Resolution shall constitute the official intent of the City to reimburse expenditures made by the Company with respect to the Project prior to the issuance of the Bonds, within the meaning of Section 1.150-2 of the Treasury Regulations.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Minneapolis Recovery Strategy and the selection of an external provider through a Request For Proposals process to provide energy efficiency improvements to City of Minneapolis residents, now recommends that the proper City officers be authorized to execute a contract with Center for Energy and Environment to utilize \$705,000 from the City of Minneapolis allocation of Energy Efficiency Conservation Block Grant funding to provide residential energy efficiency services through its Community Energy Services Program.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Grain Belt Office Building at 1215 Marshall Ave NE, now recommends passage of the accompanying resolutions:

- a) Increasing the appropriation in the Department of Community Planning and Economic Development by \$68,000 to fund the first phase of reducing water filtration/drainage issues in the building; and
- b) Authorizing application to the Minnesota Historic Society Grants Office for Minnesota Historical and Cultural Grant funds to stabilize the Grain Belt Office Building.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

RESOLUTION 2009R-564 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grain Belt Housing District 132 Fund (01CGH-8900300-800320) by \$68,000 from the available fund balance.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Resolution 2009R-565, authorizing application to the Minnesota Historic Society Grants Office for Minnesota Historical and Cultural Grant funds to stabilize the Grain Belt Office Building at 1215 Marshall St, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-565 By Goodman and Ostrow

Authorizing application to the Minnesota Historic Society Grants Office for Minnesota Historical and Cultural Grant funds to stabilize the Grain Belt Office Building at 1215 Marshall Street.

Whereas, the City of Minneapolis intends to act as the legal sponsor for the Grain Belt Office Building Project located at 1215 Marshall Street; and

Whereas, the City has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration; and

Whereas, the City has not violated any federal, state or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice; and

Whereas, upon approval of the application, the City may enter into agreements with the Minnesota Historic Society for the Grain Belt Office Building Project and will comply with all applicable laws and regulations stated in such agreements;

Now, Therefore, Be It Resolved By the City Council of the City of Minneapolis:

That the City Council authorizes the City Coordinator or other appropriate staff to apply to the Minnesota Historic Society for Minnesota Historical and Cultural Grant funding for the Grain Belt Office Building Project located at 1215 Marshall Street and to execute such agreements as are necessary to implement the projects.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the receipt of a Living Cities grant award of \$125,000 to support the City's efforts to plan, organize and establish a comprehensive Twin Cities residential, commercial/industrial, and institutional building energy retrofit program and delivery system, now recommends that the proper City officers be authorized to accept and appropriate said grant award, and to execute such agreements as may be necessary to implement the grant.

Your Committee further recommends passage of the accompanying resolution increasing the Department of Community Planning and Economic Development appropriation to reflect the receipt of said grant funds.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

RESOLUTION 2009R-566 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development Grants Other Fund (01600-8900310) by \$125,000 and increasing the revenue source (01600-8900900-372001) by \$125,000.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Land Bank Agreement under the Neighborhood Stabilization Program (NSP) of the U.S. Department of Housing & Urban Development (HUD), now recommends approval of the following recommendations:

- a) Authorize the reallocation of \$150,000 of NSP funds allocated to the City of Minneapolis for land banking activities to the Twin Cities Community Land Bank, a Minnesota nonprofit limited liability company, to establish and operate the land bank for homes and residential properties that have been foreclosed upon:
- b) Direct staff to negotiate a Land Bank Agreement with the Twin Cities Community Land Bank in compliance with guidance and regulations of HUD for the use of NSP funds awarded to the City; and
- c) Authorize execution of the Land Bank Agreement between the Twin Cities Community Land Bank and the City under the NSP of HUD.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration 2009 property management costs for properties in the Department of Community Planning & Economic Development's inventory, now recommends approval of additional expenditures in 2009 from existing fund balances in the total amount of \$816,172, by passage of the accompanying appropriation resolution.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

RESOLUTION 2009R-567 By Goodman and Ostrow

Amending the 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriations in the Department of Community Planning and Economic Development in the respective amount indicated, all from the available fund balance, as follows:

a) Fund 01400 (CDBG – Program Income):	\$289,000
b) Fund 01CAZ (Common Project Uncertified):	\$144,225
c) Fund 01CPO (Capital Projects – Other):	\$ 5,154
d) Fund 01GEN (CPED Operating):	\$ 1,500
e) Fund 01CLC (Local Contribution):	\$ 23,586
f) Fund 01SHP (Housing Program):	\$ 3,142
g) Fund01SPH (Community Development):	\$142,343
Adopted 12/4/2009.	

Adopted 12/4/2009.
Absent - Schiff, Samuels.

Comm Dev & W&M/Budget - Your Committee, having under consideration the St. Anthony West Neighborhood Revitalization Program (NRP) Phase II Neighborhood Action Plan, now recommends:

- a) Approval of said Plan and specifically those parts of the Plan that fall under City jurisdiction, with the total cost of the Plan not to exceed \$224,642;
- b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation in the NRP Fund by \$77,092;
- c) Referral of \$147,550 for Plan implementation in a reserve account within the NRP Fund for future year expenditures on the approved Plan, provided that no more than \$179,714 be obligated in the first three years after approval of the Plan; and
- d) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said Plan.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

RESOLUTION 2009R-568 By Goodman and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$77,092.

Adopted 12/4/2009.

Absent - Schiff, Samuels.

The ELECTIONS Committee submitted the following report:

Elections - Your Committee reports that, pursuant to instructions, we met as a Canvassing Board, and we have canvassed the official election returns made and submitted to the City Clerk by the Judges of Election of all the election districts in the City of Minneapolis of the votes cast at the Municipal Election, held in the City of Minneapolis on Tuesday, November 3, 2009, and we herewith submit the results as set forth in Petn No 273915 on file in the office of the City Clerk. The total number of voters registered at 7:00 a.m. was 231,078, in addition, 2,950 registered at the polls on Election Day. The total number of votes cast at said General Election was 45,964 or 19.64% of the total number of registered voters in the City of Minneapolis.

CITY OF MINNEAPOLIS MUNICIPAL ELECTION RESULTS NOVEMBER 3, 2009

RACES	<u>VOTES</u>
Mayor	
R.T. Rybak	33,234
Council - Ward 1	
Kevin Reich	1,997
Council - Ward 2	
Cam Gordon	2,260
Council - Ward 3	
Diane Hofstede	1,465
Council - Ward 4	
Barbara A. Johnson	1,740
Council - Ward 5	
Don Samuels	1,131
Council - Ward 6	
RobertLilligren	1,020
Council - Ward 7	
Lisa Goodman	2,997
Council - Ward 8	
Elizabeth Glidden	2,291
Council - Ward 9	
Gary Schiff	1,818
Council - Ward 10	
Meg Tuthill	2,405
Council - Ward 11	
John Quincy	2,551
Council - Ward 12	
Sandra Colvin Roy	3,035
Council - Ward 13	
Betsy Hodges	4,141
Park and Recreation Commissioner -	District 1
Wielinski	4,335
Park and Recreation Commissioner -	District 2
Olson	2,874
Park and Recreation Commissioner -	District 3
Scott Vreeland	3,430
Park and Recreation Commissioner -	•
Anita Tabb	5,012
Park and Recreation Commissioner -	
Carol Kummer	2,964
Park and Recreation Commissioner -	•
Brad Bourn	4,300
Park and Recreation Commissioner -	
Bob Fine	9,329
Annie Young	8,371
John Erwin	7,733
Board of Estimate and Taxation (2 se	
Carol Becker	10,697.5560
David Wheeler	8,107.4270
Adopted 12/4/2009.	0,101.7210
1.00ptou 12/7/2000.	

The HEALTH, ENERGY & ENVIRONMENT Committee submitted the following reports:

HE&E – Your Committee, to whom was referred an ordinance amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, extending the expiration of Chapter 423 to September 30, 2010, now recommends that said ordinance be given its second reading for amendment and passage. Adopted 12/4/2009.

Ordinance 2009-Or-183 amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to *Planning and Development: Small and Underutilized Business Enterprise Program*, amending Section 423.80 to extend the expiration of Chapter 423 to September 30, 2010, was adopted 12/4/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-183
By Benson
Intro & 1st Reading: 11/13/2009
Ref to: HE&E
2nd Reading: 12/4/2009

Amending Title 16, Chapter 423 of the Minneapolis Code of Ordinances relating to Planning and Development: Small and Underutilized Business Enterprise Program.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 423.80 of the above-entitled ordinance be amended to read as follows: 423.80. Expiration of Chapter 423. This chapter of the Minneapolis Code of Ordinances, Chapter 423, shall expire and, absent other action by the city council based on an analysis of the continuing need for the Small and Underutilized Business Enterprise Program, the Small and Underutilized Business Enterprise Program shall cease all operations on December 31, 2009 September 30, 2010. Adopted 12/4/2009.

HE&E - Your Committee, having under consideration the Continuity of Operations Plan (COOP) Annex to the Emergency Operations Plan, now recommends approval of the Negative Sick Leave Policy, which encourages all City Departments to allow City employees without accrued sick leave to use up to six days of sick leave, thereby earning a negative balance. This policy will apply when the City is at COOP Level 2 or higher.

Adopted 12/4/2009.

HE&E - Your Committee, having under consideration Minneapolis' Sustainability Indicators and Targets which were amended by the City Council on October 16, 2009, and staff having been directed to report back to Committee with a recommendation for a target to be placed under the "Employment and Poverty" indicator for reducing the gap in poverty rates between minorities and whites, now recommends that Petn No 273818 be amended by changing the targets for the Employment and Poverty Indicator to read as follows:

"Reduce the percentage of <u>employed Minneapolis full time workers residents</u> living in poverty from the 2008 baseline of 10.1% to 7% by 2014.

"Reduce the percentage of Minneapolis minority residents living in poverty from the 2008 Census Bureau reported average of 36% to that of the 2008 metropolitan minority average of 21% by 2014." Adopted 12/4/2009.

The HEALTH, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept a lead-safe housing grant award of \$12,500 from the State of Minnesota to supply lead safe housing to Minneapolis residents during lead hazard reduction activities. Further, passage of the accompanying Resolution appropriating \$12,500 to the Department of Regulatory Services. Adopted 12/4/2009.

RESOLUTION 2009R-569 By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Regulatory Services Agency in the Grants - Other Fund (01600-8350300) by \$12,500 and increasing the Revenue Estimate (01600-8350300) by \$12,500.

Adopted 12/4/2009.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$319 from Global Education Settlement Administrator resulting from a class action settlement. Further, passage of the accompanying resolution appropriating \$319 to the Department of Health & Family Support.

Adopted 12/4/2009.

RESOLUTION 2009R-570 By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Department of Health & Family Support Agency in the Grants - Other Fund (01600-8600120) by \$319.

Adopted 12/4/2009.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Fairview Health Services, dba Fairview Diagnostic Laboratories, in an amount not to exceed \$360,000, for School Based Clinic laboratory services during the period December 14, 2009 through December 31, 2012. The second and third years of the contract will be contingent upon funding and performance.

Adopted 12/4/2009.

HE&E & W&M/Budget - Your Committee recommends that the proper City officers be authorized to negotiate and execute a professional services agreement with Questions and Solutions Engineering, Inc, in an amount not to exceed \$150,000, for consulting services for energy audits for City facilities. Funding will be provided through the Energy Efficiency and Conservation Block Grant Program. Adopted 12/4/2009.

HE&E & W&M/Budget - Your Committee, having under consideration the 2009 American Recovery and Reinvestment Act relating to the Energy Efficiency and Conservation Block Grant Program, now recommends that the proper City officers be authorized to accept \$3,909,800 from the United States Department of Energy for use in activities elaborated in the grant application previously approved by the City Council on June 12, 2009. Further, passage of the accompanying resolution appropriating

funds to the Department of Community Planning & Economic Development, Department of Public Works, and City Coordinator's Office.

Adopted 12/4/2009.

RESOLUTION 2009R-571 By Benson and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. Increasing the appropriation for the Community Planning & Economic Development Business Development Agency in the Grants Federal Fund (01300-8900320) by \$781,960.
- b. Increasing the appropriation for the Community Planning & Economic Development Business Finance Agency in the Grants Federal Fund (01300-8900330) by \$817,447.
- c. Increasing the appropriation for the Public Works Property Services Agency in the Grants Federal Fund (01300-6800600) by \$2,212,393.
- d. Increasing the appropriation for the Coordinator Sustainability Agency in the Grants Federal Fund (01300-8400200) by \$98,000.
- e. Increasing the Revenue Source for the Non-Departmental Agency in the Grants Federal Fund (01300-1230000) by \$3,909,800.

Adopted 12/4/2009.

HE&E & W&M/Budget - Your Committee, having under consideration the 2009 American Recovery and Reinvestment Act relating to the Energy Efficiency and Conservation Block Grant Program (EECBG), now recommends that the proper City officers be authorized to submit an application to the United States Department of Energy, on behalf of the Cities of Minneapolis and St. Paul, for \$30 million of EECBG funds to reduce energy usage or consumption in 50% of the buildings in Minneapolis and St. Paul within 10 years in accordance with the program components as set forth in Petn No 273919; and to make such modifications as indicated by further guidance by the Department of Energy.

Your Committee further recommends that City staff be directed to develop and recommend to the City Council an energy efficiency bond program patterned after existing and authorized City bond programs.

Adopted 12/4/2009.

The INTERGOVERNMENTAL RELATIONS Committee submitted the following reports:

IGR - Your Committee, having under consideration a proposed ordinance amending Chapter 3, Section 4 of the Minneapolis City Charter relating to *Powers and Duties of Officers: Executive Committee*, to include the position of the Director of Regulatory Services in the appointment process outlined therein, now concurs in the recommendation of the Minneapolis Charter Commission that said ordinance be passed by the affirmative vote of all members of the City Council, pursuant to Minnesota Statutes, Section 410.12, Subd. 7.

Adopted 12/4/2009. Approved by Mayor Rybak 12/4/2009. (Published 12/8/2009) ORDINANCE 2009-Or-184
By Johnson and Hodges
Intro & 1st Reading: 10/30/2009
Ref to: Charter Commission
2nd Reading: 12/4/2009

Amending Chapter 3, Section 4 of the Minneapolis City Charter relating to Powers and Duties of Officers: Executive Committee, to include the position of the Director of Regulatory Services in the appointment process outlined in Chapter 3, Section 4. (Charter Amendment No. 169)

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 3, Section 4 of the Minneapolis City Charter be amended to read as follows: Amending Chapter 3, Section 4 of the Minneapolis City Charter relating to Powers and Duties of Officers: Executive Committee to include the position of Director of Regulatory Services in the appointment process outline in Chapter 3, Section 4.

Section 4. Executive Committee. There is hereby established an executive committee consisting of the Mayor, the President of the City Council, and up to three additional members of the City Council to be chosen by the Council; provided, however, that not all of the members of the executive committee shall be of the same political party, unless the Mayor and all of the members of the City Council shall be members of the same political party. The executive committee shall establish its own rules and procedures. It shall be chaired by the Mayor.

Notwithstanding any other provision of this Charter or special law to the contrary, the executive committee shall have the exclusive power to appoint and remove during their terms of office the Police Chief, Fire Chief, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, <u>Director of Regulatory Services</u> and any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any public board the majority of whose members are members of the City Council. An appointment or removal shall be effective only upon approval by action of the City Council taken in compliance with the requirements of Chapter 2, section 2, and Chapter 3, section of this Charter. When considering an appointment or removal the executive committee shall follow the procedures prescribed by ordinance or resolution of the City Council which may include provision for participation by members and committees of the City Council, but in the case of an appointment such procedures may not impose a limitation on the candidates to be considered by the executive committee.

All appointments by the executive committee shall be made from nominations submitted by the Mayor. If after three nominations or if within ninety days after a position becomes vacant, the Mayor has failed to gain an executive committee appointment and Council approval to fill the position, a majority of the executive committee may submit in writing to the Mayor a list of at least three qualified persons from which the Mayor shall nominate a person to fill the position. If that nomination fails of approval, the executive committee may submit a new list of three qualified persons and the mayor shall again nominate from such list, and these steps shall be repeated until a nomination results in an appointment and in its approval by the Council. If the Mayor fails to nominate from a list within twenty days after receipt thereof, then a majority of the executive committee may appoint from such a list.

A person holding an office or seat filled by appointment by the executive committee who has not been reappointed and approved by the City Council within six months after expiration of his or her term shall vacate the office or seat and shall remain vacant until a new appointment is made and confirmed. The executive committee may designate someone to fill the vacated office on a temporary basis for a period not to exceed ninety days.

The executive committee may suspend without pay any officer appointed by it in the unclassified service for a period not to exceed five (5) working days at one time, and for longer periods with the approval of the City Council.

Further duties of the executive committee shall be only as prescribed by ordinance or resolution of the City Council.

Adopted 12/4/2009.

Approved by Mayor Rybak 12/4/2009.

(Published 12/8/2009)

IGR - Your Committee recommends approval of the City of Minneapolis 2010 Legislative Agenda regarding Local Government Finance, Capital Bonding, Public Safety, Pension Sustainability, Transportation, Affordable Housing and Homelessness Prevention, Municipal Governance, City Livability, Environment and Jobs and Economic Development, as set forth and described in Petn No 273926.

Adopted 12/4/2009.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to *Food Code: Grocery Stores and Specialty Food Stores,* clarifying the definition of specialty food stores and amending certain requirements for grocery stores, now recommends that said ordinance be given its second reading for amendment and passage.

Gordon moved to substitute the following ordinance for the ordinance referenced in the report. Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 12/4/2009.

Ordinance 2009-Or-185 amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to Food Code: Grocery Stores and Specialty Food Stores, amending Sections 203.10, 203.20 and 203.30 to clarify the definition of specialty food stores and amend certain requirements for grocery stores, was adopted 12/4/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-185
By Glidden
Intro & 1st Reading: 10/2/2009
Ref to: PS&RS
2nd Reading: 12/4/2009

Amending Title 10, Chapter 203 of the Minneapolis Code of Ordinances relating to the Food Code: Grocery Stores and Specialty Food Stores.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 203.10 of the above-entitled ordinance be amended to read as follows: **203.10. Definitions.** As used in this chapter, the following words and phrases shall mean:

Accessory food items. Non-staple food items, such as coffee, tea, cocoa, carbonated and uncarbonated drinks, candy, condiments, and spices.

Grocery store. A retail establishment that sells such products as staple foods, accessory food items, and household goods.

Perishable foods. Those items that are fresh, un-refrigerated or refrigerated staple food items that will spoil or suffer significant deterioration in quality within two (2) to three (3) weeks.

Specialty food store. A retail establishment that sells only specialized types or classes of staple foods and accessory foods, including, but not limited to, such establishments as imported food stores and co-ops, gift shops, department stores, and general retail stores that specialize in products other than consumable products. Such an establishment may not sell tobacco products, unless such

products are in keeping with the specialized nature of the store. A specialty food store is not a grocery store that sells a wide variety of common staple food items so as to be eligible for government supplemental nutrition programs.

Staple foods. Those food items intended for home preparation and consumption, including meat, poultry, fish, bread, and breadstuffs, cereals, vegetables, fruits, fruit and vegetable juices, and dairy products.

Section 2. That Section 203.20 of the above-entitled ordinance be amended to read as follows:

- **203.20.** Requirements. Grocery stores and specialty foods stores are both subject to the requirements of chapter 188. A grocery store that does not possess a grocery license as of the effective date of this ordinance February 9, 1996 must meet the following requirements: of subsections (a) and (b). All grocery stores licensed under this chapter except those exempted pursuant to section 203.30 must meet the requirements of subsection (c).
- (a) The grocery store shall provide and maintain a minimum sales floor area of two thousand (2,000) square feet, or a free-standing building originally constructed as a grocery convenience store shall have a minimum of two thousand (2,000) square feet, calculated by using external dimensions.
- (b) The grocery store shall provide and maintain a minimum of four (4) adjoining off-street parking spaces, notwithstanding the provisions of chapter 531.
- (c) All grocery stores licensed under this chapter must offer for sale food for home preparation and consumption, on a continuous basis, at least three (3) varieties of qualifying, non-expired or spoiled, food in each of the following four (4) staple food groups, with at least five (5) varieties of perishable food in the first category and at least two (2) varieties of perishable food in all subsequent categories:
 - (1) Vegetables and/or fruits.
 - (2) Meat, poultry, fish and/or vegetable proteins.
 - (3) Bread and/or cereal.
 - (4) Dairy products and/or substitutes.

Section 3. That Section 203.30 of the above-entitled ordinance be amended to read as follows:

- **203.30.** Exemptions. The following are exempt from the requirements of sections 203.20(a) and 203.20(b) and 203.20(c):
 - (a) Specialty food stores.
- (b) Filling stations, licensed under chapter 287 of this Code, and having not more than three hundred (300) square feet of retail sales floor area.
 - (c) Grocery stores located in the central commercial district, as defined in section 360.10.

Additionally, a grocery store located in a shopping center as defined in section 520.160 is exempt from the requirements of sections 203.20(a) and 203.20(b).

Adopted 12/4/2009.

PS&RS-Your Committee, having under consideration the application of Punch Neapolitan Pizza, dba Punch Neapolitan Pizza, 802 Washington Av SE, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2010, now recommends that said license be granted, subject to the following conditions:

- a. The licensee will not establish a bar area for the primary purpose of alcohol service.
- b. The licensee will not offer happy hour drink specials.
- c. Final inspection and compliance with all provisions of applicable codes and ordinances.

Your Committee, having under consideration the application of Punch Neapolitan Pizza for a Sidewalk Cafe License (new business) to expire April 1, 2010, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 12/4/2009.

Approved by Mayor Rybak 12/4/2009.

(Published 12/8/2009)

PS&RS - Your Committee recommends that the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273928):

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2010

Restaurant Properties Inc, dba IL Gatto Uptown Italian, 3001 Hennepin Av, #301A (change in dba from Figlio to IL Gatto Uptown Italian)

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2010

Starmac Inc, dba Champions Saloon & Eatery, 105 W Lake St (new shareholder). Adopted 12/4/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 12/4/2009.

Resolution 2009R-572, granting applications for Business Licenses, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-572 By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of December 4, 2009 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273928):

Amusement Devices; Place of Amusement Class A; Christmas Tree; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; Confectionery; Farm Produce Permits; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasfitter Class A; Gasoline Filling Station; Heating, Air Conditioning & Ventilating Class A; Air Conditioning & Ventilating Class B; Hospital; Hotel/Motel; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Commercial Parking Lot Class A; Commercial Parking Lot Class B; Pet Shop; Plumber; Precious Metal Dealer; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Tattooist/Body Piercer Establishment; Taxicab Limited; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Combined Trades; Wrecker of Buildings Class A; Wrecker of Buildings Class B.

Adopted 12/4/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Sound Bar, 414 3rd Av N.

Adopted 12/4/2009.

Resolution 2009R-573, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Sound Bar, 414 3rd Av N, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-573 By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by Sound Bar, 414 3rd Av N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on July 6, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on two separate occasions in a period of less than 24 months employees of Sound Bar sold alcohol to persons under the age of 21 in violation of the Minneapolis Code of Ordinances, Minnesota Statutes, and the established compliance check policy and procedures of the City of Minneapolis;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. In lieu of a suspension of the On-Sale Liquor License, the City shall impose a \$3,000 sanction; \$1,500 will be stayed for a period of one year from City Council approval of the agreement. If an electronic identification reader is used for use by employees, an additional \$500 will be stayed. Half of the sanction will be payable upon signing of the agreement. The remaining balance will be due 30 days from the approval of the agreement.
- 2. Provide an updated alcohol service policy to the Division of Licenses & Consumer Services due at the time of signing of the agreement to include all of the following:
- a. A clear policy in writing for employee training for verifying customer identification including using an outside/contracted trainer; looking at the picture and at the customer to ensure the ID belongs to that person; look for any indication on the ID the person is under the age of 21; and define a backup system so a manager or a second designated staff members looks at any ID if there are any questions.
- b. Use of an electronic identification reader and policy that assists employees in determining the birth date required to make a legal sale of alcohol.
- c. Provide a copy of the signage that is currently posted at wait stations that remind staff they must refuse service to anyone that is under that age of 21.
- d. Indicate any incentive program that may be implemented for staff should they pass a self-imposed or City administered compliance check.
- e. Indicate whenever a staff meeting is held alcohol service and proof of age policies will be a standing agenda item.
- f. A clear policy when the establishment is busy for staffing the door or other positions and providing a manager or other designated staff to provide a backup to cover the position(s) when needed.
- g. Define current policy regarding persons under the age of 21 where they are allowed or not allowed to be in certain places within the establishment.
- h. Indicate managers and/or ownership can assist any server at any time should a member of the wait staff have questions regarding the age of a patron.
- i. Indicate the policy for new employees regarding receiving alcohol service training within 30 days of hire or prior to serving alcohol.
- j. Indicate the policy for instituting a self check program with underage decoys. These self checks should be conducted four times a year with the first check to occur within 30 days from this agreement being approved by the City Council.
- 3. Attend the monthly downtown bar meeting at least three times within one year of this agreement being approved by the City Council.
 - 4. As part of the ongoing business plan, not allowing 18 plus events at the establishment. Adopted 12/4/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Grocery and Tobacco Licenses held by Quick Stop, 3601 Penn Av N.

Adopted 12/4/2009.

Resolution 2009R-574, approving License Settlement Conference recommendations relating to the Grocery and Tobacco Licenses held by Quick Stop, 3601 Penn Av N, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-574 By Samuels

Approving License Settlement Conference recommendations relating to the Grocery and Tobacco Licenses held by Quick Stop, 3601 Penn Av N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on October 22, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that Quick Stop has experienced a high amount of complaints from residents and police calls for service due to excessive loitering and illegal activities occurring in the vicinity of the business;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. "No Trespassing" signs will remain clearly posted on the exterior of the business. Store staff will immediately ask people that are observed loitering in the immediate vicinity of the store to leave. If the loitering activity persists, staff will call 911 and request police assistance to alleviate the loitering activity. The business agrees to cooperate fully in the prosecution of criminal activity.
- 2. The business agrees not to sell items which are commonly used by drug users and drug dealers. These items include bongs, glass pipes (sometimes with roses inside), Brillo Pads or Chore Boy products, tobacco pipes, small zip lock bags also known as jewelry bags, and single use tobacco products to include rolling papers. The business will also agree not to supply matches to non-tobacco customers.
 - 3. The business agrees to keep all exterior and interior lights illuminated and functioning properly.
- 4. All windows will be free of signs and other items that block the view in and out, as is specified in Minneapolis Ordinance 543.350.
- 5. Owner shall comply with the Surveillance Camera Ordinance, Minneapolis Ordinance 259.230. Additionally, the business will install two exterior cameras in the rear of the facility. Signage will be displayed in the rear of the facility informing people that they are under surveillance. All cameras will be monitored by staff during all hours of operation.
- 6. The business agrees to clean the property, and all areas within 100 feet of the property line, of litter and trash twice daily. The business shall maintain a litter receptacle in front of the business that is convenient for customer use.
- 7. Refuse shall be stored in a regularly serviced, closed container (dumpster) that shall be maintained screened from view as is required by Minneapolis Codes. At no time shall this refuse container be overfilled so that the cover cannot be completely closed at all times.
- 8. The business agrees to hire security staff which may include off duty Minneapolis Police Department, typically covering Friday and Saturday; coverage will include the latest hours of operation. Adopted 12/4/2009.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Valet Parking License held by Unparalleled Parking, 7509 62nd Ct N, Brooklyn Park.

Adopted 12/4/2009.

Resolution 2009R-575, approving License Settlement Conference recommendations relating to the Valet Parking License held by Unparalleled Parking, 7509 62nd Ct N, Brooklyn Park, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-575 By Samuels

Approving License Settlement Conference recommendations relating to the Valet Parking License held by Unparalleled Parking, 7509 62nd Ct N, Brooklyn Park.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on August 20, 2009 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that on repeated occasions between July 11, 2009 and July 23, 2009, Unparalleled Parking staff, in the course of valeting vehicles for the Sound Bar, violated Minneapolis Code of Ordinances 307.120 governing prohibited acts relating to providing the service of valet parking at a location not authorized by the City Council or its designee; and the placing of signs, cones, or any other object in a traffic lane, parking lane or sidewalk, or otherwise block or hinder movement in a traffic lane:

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

- 1. That a sanction in the amount of \$12,400 is imposed; \$10,000 of which is stayed, conditioned on no same or similar violations for a period of two years from the signing the Agreement. \$400 of the unstayed portion shall be paid upon the signing of this Agreement; the remaining \$2,000 shall be paid in five equal \$400 payments at 30-day intervals from the date of signing, payable to the Minneapolis Finance Department, delivered to the Office of Licenses & Consumer Services.
- 2. Unparalleled Parking agrees to submit a written plan of action detailing how the business will prevent future valet violations from occurring.
- 3. Unparalleled Parking agrees to make training of their employees a priority and shall establish a staff training manual, a copy of which shall be submitted to the Department within 30 days of the signing of the Agreement. The manual shall include written minimum hiring and retention standards required by the company, specifically addressing prior and future driving violations. Employees will attend regularly scheduled meetings to review the manual.
- 4. Unparalleled Parking agrees to obtain Driver's License background checks on applicants for employment as part of the hiring process.
- 5. Unparalleled Parking shall, at all times, have sufficient legal, off-street parking spaces in which to park valeted vehicles.
- 6. Unparalleled Parking agrees to submit a letter to the adjoining business assuring no further usage of their property, and provide a copy to Licensing.
- 7. Unparalleled Parking agrees to provide written documentation to Licensing that they and the Sound Bar have agreed to work in partnership to prevent future violations.
- 8. Unparalleled Parking shall provide Workers' Compensation Insurance to any employee not specifically exempted by statute.
- 9. This Agreement shall not preclude any other adverse license action for subsequent violations of this Agreement, nor for subsequent violations of any federal, state or local laws, ordinances or regulations.

10. "Date of Agreement" shall be defined as the date that the licensee signs or otherwise executes this Agreement. This Agreement is subject to approval by the Minneapolis City Council; however, should such approval be obtained after the execution of this Agreement, the approval shall be retroactive to the date of execution.

Adopted 12/4/2009.

PS&RS-Your Committee, having under consideration the Rental Dwelling License for the property located at 1819 25th Av N, and having received an acceptable management plan for the property and verification that said property is now in compliance with rental licensing standards, now recommends concurrence with the recommendation of the Director of Inspections to approve the reinstatement of said license to be held by Parker Management; contact David Homan.

Adopted 12/4/2009.

PS&RS-Your Committee, to whom was referred back on October 16, 2009 a report relating to the property located at 2222 4th Street North, which has been determined by the Inspections Division to constitute a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and the City Council on

January 9, 2009 having stayed the Order for Demolition and authorized a Restoration Agreement with the property owner; and said Restoration Agreement having expired August 9, 2009 with the owner having failed to complete the necessary work, now recommends that said Council Action authorizing a stay of demolition for the property be rescinded and that the Order for Demolition be approved.

Adopted 12/4/2009.

PS&RS-Your Committee, having under consideration the Rental Dwelling Licenses held by Randy R. Olson for the properties located at 2650 Upton Av N, 3250 Dupont Av N, and 3322 Dupont Av N, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to unpaid administrative citations, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 12/4/2009.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Gallop Solutions & Tom Bohlen for the property located at

2732 Bloomington Av S, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Sections 244.1910, 244.1930 and 244.1940 of the Minneapolis Code of Ordinances relating to conduct on licensed premises, as more fully set forth in the Findings of Fact on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 12/4/2009.

The PUBLIC SAFETY & REGULATORY SERVICES and TRANSPORTATION & PUBLIC WORKS Committees submitted the following report:

PS&RS & T&PW - Your Committee, having under consideration the construction of the Emergency Operations and Training Facility, now recommends that the proper City officers be authorized to:

- a. proceed with the design and construction of three apparatus bays to be built as an addition to the newly constructed Emergency Operations Training Facility.
- b. accept Federal Appropriations, in the amount of \$750,000, and to execute any agreements associated with the appropriation.

c. execute Amendment #2 to Contract #C-25892 with Wold Architects and Engineers to increase the amount by \$105,000, for a new total amount of \$517,543, to provide design services required for the addition of the apparatus bays. Funds are available within the existing project budget.

Adopted 12/4/2009.

The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET Committees submitted the following report:

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute the 2010 Operation NightCAP grant agreement with the Minnesota Department of Public Safety, State Patrol Division, to accept \$12,925 for overtime to Traffic Unit officers to increase enforcement targeting impaired drivers and increased driver safety. Further, passage of the accompanying resolution appropriating \$12,925 to the Police Department.

Adopted 12/4/2009.

RESOLUTION 2009R-576 By Samuels and Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants –Federal Fund (01300-4002735) by \$12,925 and increasing the Revenue Source (01300-4002735-321012) by \$12,925.

Adopted 12/4/2009.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following report:

T&PW - Your Committee recommends that the proper City officers be authorized to amend Professional Service Contract No C-27205 with TKDA, increasing the contract by up to \$115,000, for a revised contract total not to exceed \$165,000, to fill the position of interim Director of Water Treatment and Distribution Services for the Public Works Department.

Adopted 12/4/2009.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept grant funding from the Metropolitan Emergency Services Board (MESB) in the amount of \$106,219.82 to be used for additional 800 MHz radios, requiring a 20% local match of City funding to be paid for from the existing operating budget for Radio Services, and to execute such agreements necessary to implement the grant.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation by \$106,219.82 to reflect the receipt of said grant funds.

Adopted 12/4/2009.

RESOLUTION 2009R-577 By Colvin Roy and Ostrow

Amending the 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW-Property Services Department in the Internal Service Fund (06200-6800200) by \$106,219.82, to be reimbursed by a Metropolitan Emergency Services Board grant in the amount of \$106,219.82. Adopted 12/4/2009.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend UPA Subrecipient Agreement No SG-2008-010 with the Metropolitan Council to increase the total award amount by \$37,128 for 2nd Ave Traffic Signal Priority (Project PV053).

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the project.

Adopted 12/4/2009.

RESOLUTION 2009R-578 By Colvin Roy and Ostrow

Amending The 2009 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended as follows:

- a) Increasing the appropriation for the PW-Capital Improvements Fund (041000-9010000-PV053) by \$29,702, and increasing the revenue source (041000-9010000-3210) by \$29,702; and
- b) Increasing the appropriation for the PW-Capital Improvements Fund (041000-9010000-PV053) by \$7,426, and increasing the revenue source (041000-9010000-3215) by \$7,426. Adopted 12/4/2009.
- **T&PW & W&M/Budget** Your Committee recommends acceptance of the following bids submitted to the Public Works Department:
- a) OP 7182, Accept bid of Hawkins, Inc., for an estimated expenditure of \$136,000, to furnish and deliver hydrochloric acid to the Minneapolis Water Works Division; and
- b) OP 7209, Accept low bid of Reliakor Services, Inc. for an estimated expenditure of \$47,904, to furnish and deliver sidewalk snow removal and maintenance for the Central Avenue Special Service District through October 31, 2010.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 12/4/2009.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends the following:

- a) Adoption of the City Attorney's recommendation for placing attorneys and law firms on the City's Legal Services Panel (Petn 273945);
- b) Authorize the City Attorney to negotiate and execute "Master Agreements" for the period January 1, 2010 through December 31, 2012, with the cost for each agreement not to exceed \$300,000 for the three-year period; and
- c) Waiving the request for proposals process for conflicts covered by the collective bargaining agreement with the Minneapolis Police Officers Federation.

Adopted 12/4/2009.

W&M/Budget - Your Committee, having under consideration the City's Wireless Community second call for applications, which targeted outreach were to groups that serve people with disabilities, seniors, charter schools and agencies/organizations that serve populations or geographic areas where there may be service gaps, now recommends approval of 14 additional applications for Wireless Community accounts (Petn 273946).

Adopted 12/4/2009.

W&M/Budget - Your Committee recommends passage of the accompanying two resolutions as follows:

- a) Authorizing the acceptance of non-profit Convention Events funds to Meet Minneapolis for expenses incurred for qualifying events; and
 - b) Increasing the appropriation to Meet Minneapolis to reflect receipt of said funds. Adopted 12/4/2009.

RESOLUTION 2009R-579 By Ostrow

Authorizing the acceptance of Non-profit Convention Events funds to Meet Minneapolis.

Resolved by The City Council of The City of Minneapolis:

That the proper City officers be authorized to accept Non-profit Convention Events funds in the amount of \$75,000 to provide payment to Meet Minneapolis for expenses incurred for qualifying events. Adopted 12/4/2009.

RESOLUTION 2009R-580 By Ostrow

Amending The 2009 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for Meet Minneapolis in the Convention Center Operations Fund (01760-8650200) by \$75,000; and increasing the revenue (01760-8650200-372001) by \$75,000.

Adopted 12/4/2009.

W&M/Budget - Your Committee, having under consideration the Annual Property Insurance Premium for the Minneapolis Convention Center (MCC), Tallmadge Building, and Parking Ramp, now recommends:

- a) Authorizing the City's Finance Officer to review options for property insurance for the Convention Center, including the Tallmadge Building, and Parking Ramp for January 1, 2010 coverage; and
- b) Acceptance of the XL Insurance quote of \$272,697 plus taxes and surcharges and lock in the binder for the 2010 property coverage; and
 - c) Acceptance of the quote for additional terrorism coverage. Adopted 12/4/2009.

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the Chief Financial Officer (CFO) to accept bids and award General Obligation Taxable Tax Increment Refunding Bonds for the Target Center in compliance with applicable Minnesota Statutes.

Adopted 12/4/2009.

Approved by Mayor Rybak 12/4/2009.

(Published 12/8/2009)

Resolution 2009R-581 (the "Resolution"), entitled "Authorizing the sale and issuance of Taxable General Obligation Tax Increment Refunding Bonds (Target Center Project); establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations." The Resolution provides for the sale and issuance of one or more series of taxable general obligation bonds of the City in an aggregate principal amount not to exceed \$60,000,000, to be designated as the Taxable General Obligation Tax Increment Refunding Bonds (Target Center Project), Series 2009D, or such other designation determined by the Finance Officer in his discretion (the "Series 2009D Bonds"). The Series 2009D Bonds are to be issued as general obligations of the City pursuant to the terms of Minnesota Statutes, Chapter 475, as amended, and Minnesota Statutes, Sections 469.174-469.179, as amended (collectively, the "Act").

The proceeds derived from the sale of the Series 2009D Bonds are to be applied by the City to the redemption and prepayment of the following obligations: (i) the General Obligation Refunding Bonds (Sports Arena Project), Series 1996 (the "Series 1996 City Bonds"), issued by the City in the original aggregate principal amount of \$67,555,000 and currently outstanding in the principal amount of \$49,735,000, and issued pursuant to Resolution No. 95R-408, adopted by the City Council of the City on December 29, 1995, and approved by the Mayor of the City on January 4, 1995, and a Trust Indenture, dated as of January 1, 1996, between the City and the Wells Fargo Bank, National Association (formerly known as Norwest Bank Minnesota, National Association), as trustee (the "Trustee"); and (ii) Revenue Bonds (Arena Acquisition Project), Series 1995 (the "MCDA Bonds"), issued by the Minneapolis Community Development Agency (the "MCDA") in the original aggregate principal amount of \$12,650,000 and currently outstanding in the principal amount of \$8,595,000, and issued on March 23, 1995, pursuant to Resolution No. 95-1282M, adopted by the Board of Commissioners of the MCDA and approved by the Mayor of the City on March 10, 1995, and an Indenture of Trust, dated as of March 1, 1995, between the MCDA and the Trustee. Payment of the principal of, premium, if any, and interest on the Series 2009D Bonds is expected to be paid from tax increment revenues and other revenues pledged to payment of the debt service on the Series 2009D Bonds pursuant to the terms of the Resolution (the "Revenues").

Authority to negotiate the sale and issuance of the Series 2009D Bonds has been delegated by the terms of the Resolution to the Finance Officer under Minnesota Statutes, Section 475.60, subdivision 1, and each series is expected to be sold at the prices determined by the Finance Officer acting in accordance with the requirements of the Act, including Minnesota Statutes, Sections 475.56 and 475.60 and, in such regard, the Finance Officer is authorized to determine the amount of the Series 2009D Bonds to be issued for purposes of the Act. The Series 2009D Bonds will bear interest at the rates specified by the successful proposal and approved by the Finance Officer. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants on behalf of the City or direct such actions as the Finance Officer may deem necessary and expedient.

The full faith and credit of the City are to be irrevocably pledged for the prompt and full payment of the Series 2009D Bonds and the interest thereon, when due. It is estimated that the Revenues to be applied to the payment of the Series 2009D Bonds under the terms of the Resolution will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Series 2009D Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City, without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of Revenues and other revenues to be applied to the payment of the Series 2009D Bonds in the following year, together with available amounts on deposit in the Debt Service Account (as defined in the Resolution) and other dedicated funds, are insufficient to pay the principal of and interest on the Series 2009D Bonds in such subsequent year and at least five percent (5%) in excess thereof.

The resolution was adopted 12/4/2009 by the City Council of the City of Minneapolis (the "City"). A complete copy of the resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-581 By Ostrow

Authorizing the sale and issuance of Taxable General Obligation Tax Increment Refunding Bonds (Target Center Project); establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations.

Resolved by The City Council of The City of Minneapolis:

SECTION 1. BACKGROUND.

- **1.01.** The Project. On December 20, 1985, the City Council of the City of Minneapolis (the "City") approved the development program (the "Development Program") for a development district then designated as Development District No. 58 (Laurel Village). Amendment No. 1 to the Development Program, approved by the City Council of the City on October 24, 1986, changed the designation of the district to Development District No. 58 (Greater Hennepin Avenue) (the "Development District") and expanded the boundaries of the Development District. The Development District was established under Minnesota Statutes, Sections 469.124-469.134, as amended (the "Development District Act").
- **1.02.** Tax Increment Financing District. By Resolution No. 87R-255, adopted by the City Council of the City on June 12, 1987, the City approved: (i) the creation by the Minneapolis Community Development Agency (the "MCDA") of a tax increment financing district, designated NBA Arena Tax Increment Financing District (the "Tax Increment District"); (ii) the adoption of Amendment No. 2 to the Development Program; and (iii) the adoption of the NBA Arena Tax Increment Finance Plan (the "Tax Increment Plan"). The Tax Increment District was created and the Tax Increment Plan was adopted pursuant to the provisions of Minnesota Statutes, Section 469.174-469.179, as amended (the "Tax Increment Act").
- **Tax Increment Bonds.** On April 1, 1988, the City Council of the City adopted Resolution No. 88R-123 authorizing the issuance of its Taxable General Obligation Redevelopment Bonds (NBA Arena), Series 1988-A (the "Series 1988-A Bonds"), in the original aggregate principal amount of \$14,800,000. On July 1, 1989, the City Council of the City adopted Resolution No. 89R-303 authorizing the issuance of its Taxable General Obligation Redevelopment Bonds (NBA Arena), Series 1989-A (the "Series 1989-A Bonds"), in the original aggregate principal amount of \$5,200,000. Tax increment revenues to be derived from the Tax Increment District were pledged on a parity basis to the Series 1988-A Bonds and the Series 1989-A Bonds. The Series 1988-A Bonds and the Series 1989-A Bonds are hereinafter referred to collectively as the "Tax Increment Bonds."
- 1.04. The Development Agreement. The proceeds derived from the sale of the Tax Increment Bonds were provided to the MCDA to finance the acquisition and clearance by the MCDA of the land located within the Tax Increment District (the "Land"). Prior to the acquisition of the Land, the MCDA entered into a Second Amended and Restated Development Agreement, dated as of August 5, 1988 (the "Development Agreement"), among the MCDA, Northwest Racquet Swim & Health Clubs, Inc., a Minnesota corporation ("Northwest Racquet"), and the City. Pursuant to the terms of the Development Agreement, Northwest Racquet agreed to lease the Land from the MCDA under a ground lease, construct on the Land a multipurpose sports facility, and secure the payment of the principal of and interest on the Tax Increment Bonds through base rent on the ground lease equal to the amount by which the debt service on the Tax Increment Bonds exceeds the tax increment revenues derived from the Tax Increment District.
- **1.05.** Land Development. The Land was leased to Northwest Racquet under a Ground Lease, dated August 5, 1988 (the "Ground Lease"), between the MCDA and Northwest Racquet. Northwest Racquet transferred its interest in the Ground Lease and its rights and obligations under the Development Agreement to Minnesota Arena Limited Partnership, a Minnesota limited partnership (the "Arena Partnership"). The Arena Partnership constructed a multipurpose sports facility (designated the "Target Center") on the Land principally to provide an arena for the National Basketball Association team and franchise, commonly known as the Minnesota Timberwolves, initially owned by Minnesota Professional Basketball Limited Partnership, a Minnesota limited partnership (the "Basketball Partnership").
- Target Center Acquisition. In conjunction with the proposed sale of the Minnesota Timberwolves from the Basketball Partnership to Minnesota Timberwolves Basketball Limited Partnership, a Minnesota limited partnership (the "Team Owner"), the MCDA entered into a Target Center Purchase Agreement, dated as of March 1, 1995 (the "Purchase Agreement"), between the MCDA and the Arena Partnership, pursuant to which the MCDA acquired the Target Center from the Arena Partnership for a purchase price of \$54,600,000. (Certain private business interests transferred an additional \$1,400,000 to the Arena Partnership to induce the sale of the Target Center to the MCDA. Under the terms of the Purchase Agreement, this transfer of \$1,400,000 to the Arena Partnership was

a condition to the sale of the Target Center to the MCDA.) The City and the MCDA financed the acquisition of the Target Center from the Arena Partnership through the sale of tax-exempt bonds. The City financed a portion of the cost of acquiring the Target Center through the issuance of its General Obligation Bonds (Arena Acquisition Project), Series 1995 (the "Series 1995 City Bonds"), in the original aggregate principal amount of \$72,000,000. The Series 1995 City Bonds were issued on March 23, 1995, pursuant to Resolution No. 95R-058, adopted by the City Council of the City and approved by the Mayor of the City on March 10, 1995, and a Trust Indenture, dated as of March 1, 1995 (the "Series 1995 City Indenture"), between the City and Wells Fargo Bank, National Association (formerly known as Norwest Bank Minnesota, National Association), as trustee (the "Trustee"). In addition, the MCDA financed a portion of the cost of acquiring the Target Center through the issuance of its Revenue Bonds (Arena Acquisition Project), Series 1995 (the "MCDA Bonds"), in the original aggregate principal amount of \$12,650,000, which are currently outstanding in the principal amount of \$8,595,000. The MCDA Bonds were issued on March 23, 1995, pursuant to Resolution No. 95-1282M, adopted by the Board of Commissioners of the MCDA and approved by the Mayor of the City on March 10, 1995, and an Indenture of Trust, dated as of March 1, 1995 (the "MCDA Indenture"), between the MCDA and the Trustee.

- **1.07.** Refunding Tax Increment Bonds. In conjunction with the acquisition of the Target Center, the City entered into an Escrow Agreement, dated as of March 1, 1995, between the City and the Trustee, to provide for the payment and the redemption and prepayment of the Tax Increment Bonds. The City deposited \$22,225,657.58 of the proceeds of the Series 1995 City Bonds with the Trustee and the Trustee acquired securities, the proceeds of which were applied to the redemption and prepayment of the Series 1988-A Bonds on March 1, 1998, and the redemption and prepayment of the Series 1989-A Bonds on March 1, 1999.
- 1.08. <u>Target Center Use Agreements</u>. In order to satisfy certain requirements of the parties, the Target Center was subdivided as follows: (i) a portion of the Land and the Target Center constituting the arena (the "Arena"); and (ii) a portion of the Land and the Target Center constituting the sports and health club (the "Health Club"). The MCDA entered into a Basketball Playing Agreement, dated as of March 1, 1995 (the "Playing Agreement"), between the MCDA and the Team Owner, under which the Team Owner agreed to play the home games of the Minnesota Timberwolves in the Arena during the thirty-year term of the Playing Agreement.

The MCDA entered into an Arena Operating Agreement, dated as of March 1, 1995 (the "Original Operating Agreement"), between the MCDA and Ogden Entertainment Services, Inc. under which Ogden Entertainment Services, Inc. agreed to operate and manage the Arena, subject to the rights of the Team Owner under the Playing Agreement, for the thirty-year term of the Original Operating Agreement. The operator of the Arena (the "Operator") has changed on several occasions since 1995. The current Operator is AEG Management MN, LLC which operates the Arena under an Amended and Restated Arena Lease, Operating, Management, Use and Assurances Agreement, dated and effective as of May 2, 2007 (the "Current Operating Agreement"), by and between the MCDA and AEG Management MN, LLC.

The MCDA entered into a Health Club Lease, dated as of March 1, 1995 (the "Health Club Lease"), between the MCDA and Arena Health Club Limited Partnership (the "Health Club Partnership"), under which the Health Club Partnership agreed to operate the Health Club for the thirty-year term of the Health Club Lease. The operator of the Health Club (the "Health Club Operator") has changed on several occasions since 1995. The current Health Club Operator is LTF Club Operations Company, Inc., a Minnesota corporation, which obtained its leasehold interest in the Health Club through an Assignment and Assumption of Lease, dated July 26, 2006, by and between Starmark Northwest Realty, L.L.C. and LTF Real Estate Company, Inc. and a Sublease Agreement by and between LTF Real Estate Company, Inc. and LTF Club Operations Company, Inc. The obligations of LTF Real Estate Company, Inc. under the Health Club Lease are guaranteed by Life Time Fitness, Inc., a Minnesota corporation, pursuant to the terms of a Lease Guaranty, dated July 26, 2006 (the "Guaranty").

The MCDA entered into a Commission Use and Occupancy Agreement, dated as of March 1, 1995 (the "Commission Use Agreement"), between the Agency and the Metropolitan Sports Facilities Commission (the "Commission"), under which the MCDA granted to the Commission the right to use the Arena for the conduct of amateur sports events for up to fifty event days per year. The Commission

entered into a MASC Use Agreement, dated as of March 1, 1995 (the "MASC Use Agreement"), between the Commission, the Minnesota Amateur Sports Commission ("MASC"), and the Operator, under which the Commission granted to MASC the rights and obligations granted to the Commission under the Commission Use Agreement.

- **1.09.** Assignment of MCDA Interests. Pursuant to an Assignment and Assumption Agreement, effective as of August 1, 2009 (the "Assignment Agreement"), between the MCDA and the City, the MCDA has assigned all of its right, title, and interest in the Playing Agreement, the Current Operating Agreement, the Health Club Lease, the Guaranty, and the Commission Use Agreement (collectively, the "Assigned Agreements") to the City and the City has accepted and assumed the Assigned Agreements. In addition, pursuant to the terms of a quitclaim deed and a bill of sale, the MCDA has conveyed all of its interests in the real property and personal property comprising the Target Center to the City.
- 1.10. Security for the Series 1995 City Bonds and the MCDA Bonds. Payment of the principal of, premium, if any, and interest on the Series 1995 City Bonds is secured by the full faith and credit and taxing powers of the City. The City agreed to levy taxes on all taxable property in the City, without limitation as to rate or amount, to the extent necessary to pay the debt service on the Series 1995 City Bonds when due. Payment of the principal of, premium, if any, and interest on the Series 1995 City Bonds and the MCDA Bonds was paid from the following revenues (collectively, the "Original Revenues"): (i) property taxes received by the City with respect to the private uses of the Arena; (ii) tax increment revenues derived from the Tax Increment District and from the Common Project (as defined in Section 1.14 hereof); (iii) revenues derived from the entertainment tax imposed pursuant to Laws of Minnesota 1969, Chapter 1092, as amended; (iv) certain revenues transferred from the City Parking Fund; (v) the revenues derived from the MASC Use Agreement; and (vi) earnings derived from the investment of the foregoing. Pursuant to the terms of the Series 1995 City Indenture and the MCDA Indenture, the Original Revenues are required to be applied first to the payment of the debt service on the Series 1995 City Bonds and second to the MCDA Bonds. As a result, the pledge of the Original Revenues to the MCDA Bonds is subordinate to the pledge of the Original Revenues to the Series 1995 City Bonds.
- **1.11.** Refunding Series 1995 City Bonds. On February 1, 1996, the City issued its General Obligation Refunding Bonds (Sports Arena Project), Series 1996 (the "Series 1996 City Bonds"), in the original aggregate principal amount of \$67,555,000. The Series 1996 City Bonds are currently outstanding in the principal amount of \$49,735,000. The Series 1996 City Bonds were issued pursuant to: (i) Resolution No. 95R-408, adopted by the City Council of the City on December 29, 1995, and approved by the Mayor of the City on January 4, 1995; and (ii) a Trust Indenture, dated as of January 1, 1996 (the "Series 1996 City Indenture"), between the City and the Trustee. The proceeds derived from the sale of the Series 1996 City Bonds were applied to the current refunding of the Series 1995 City Bonds on February 1, 1996.
- 1.12. <u>Authority.</u> The City is authorized to issue bonds to redeem and prepay the Series 1996 City Bonds and the MCDA Bonds (collectively, the "Prior Bonds") pursuant to the terms of Minnesota Statutes, Chapter 475, as amended (the "Municipal Debt Act") and, in particular, Section 475.67 of the Municipal Debt Act, and pursuant to the terms of the Tax Increment Act and, in particular, Sections 469.174, subdivision 3, and 469.178, subdivision 4, of the Tax Increment Act. The City is authorized to apply the tax increment revenues and other revenues to the payment of the Bonds (as defined in Section 1.14 hereof) under Section 469.178 of the Tax Increment Act and the terms of the Municipal Debt Act. Pursuant to the terms of Section 475.58, subdivision 1 of the Municipal Debt Act, no election is required for the issuance of the portion of the Bonds to be applied to the refunding of the Series 1996 City Bonds. Pursuant to the terms of Sections 475.67, subdivision 3(d), and 475.58, subdivision 1(3), of the Municipal Debt Act, upon a pledge of tax increment revenues in the required amount, no election is required for the issuance of the portion of the Bonds to be applied to the refunding of the MCDA Bonds.
- **1.13.** Consolidated TIF District. The Minnesota Legislature recently enacted Laws of Minnesota 2008, Chapter 366, Article 5, Section 37 (the "Special Law"), authorizing the City to establish a non-contiguous redevelopment tax increment financing district to be comprised of all or portions of the property currently located within the fifteen (15) existing tax increment financing districts of the City

for which tax increment certification was requested pursuant to law prior to August 1, 1979, and which were not decertified prior to July 1, 2008. The Special Law provides that the new tax increment financing district may be certified after January 1, 2010, and must terminate no later than December 31, 2020. The Special Law was approved by the City Council of the City on July 11, 2008. If the City Council elects to establish this new tax increment financing district, it will be designated the Consolidated Redevelopment Tax Increment Financing District (the "Consolidated TIF District"). Under the terms of the Special Law, the tax increment revenues to be derived from the Consolidated TIF District may be expended only to: (i) pay principal and interest on bond obligations issued by the City or the MCDA for Target Center, including payment of principal and interest on any bonds issued to repay bonds or loans; or (ii) for neighborhood revitalization purposes.

1.14. Definitions. Unless the context otherwise requires, the terms defined in Sections 1.01 1.13 of this Resolution (as defined below) and in this Section 1.14 shall, for all purposes of this Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Bonds" means the Taxable General Obligation Tax Increment Refunding Bonds (Target Center Project), Series 2009D, or any other general obligation bonds of the City issued pursuant to the terms of this Resolution.

"Code" means the Internal Revenue Code of 1986, as amended, and any Treasury Regulations promulgated thereunder.

"Common Project" means the Common Project Area and the tax increment financing districts located in the Common Project Area, established pursuant to the Common Development and Redevelopment Plan approved by the City and adopted by the MCDA and the Common Project Tax Increment Financing Plan, and the public improvements and facilities undertaken within the Common Project Area as more fully described in the Common Development and Redevelopment Plan.

"Letter of Representations" means the Blanket Letter of Representations from the City to the Depository Trust Company, New York, New York.

"Registered owner" or "owner" means the person in whose name a Bond is registered.

"Resolution" means this resolution authorizing the issuance of obligations, as this resolution may be amended or supplemented from time to time.

SECTION 2. ISSUANCE OF BONDS. In order to refund the Prior Bonds, there is hereby authorized to be issued by the City its general obligation bonds in a maximum aggregate principal amount not to exceed \$60,000,000.

SECTION 3. TERMS AND FORM OF BONDS.

3.01. Bond Terms. Subject to the limitations set forth in Section 2 of this Resolution, the Bonds are authorized to be issued in accordance with the terms of this Resolution. The Bonds shall be designated "Taxable General Obligation Tax Increment Refunding Bonds (Target Center Project)" to which shall be added a series designation ("Series 2009" if the Bonds are issued in 2009 and "Series 2010" if the Bonds are issued in 2010). The Bonds may be issued in more than one series as the Finance Officer may determine. If issued in more than one series, the Finance Officer shall assign an additional series designation in order to distinguish each series from each other series. Any series of Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be dated the date on which such Bonds are issued or on such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Finance Officer may determine. The Bonds shall be issued in the original aggregate principal amount of \$60,000,000, or such lesser amount as the Finance Officer shall determine to be necessary and appropriate to redeem and prepay the Prior Bonds and to pay the issuance expenses with respect to the Bonds. The Bonds shall bear interest at the rates per annum approved by the Finance Officer in connection with the sale thereof but with a true interest cost not to exceed five and one-half percent (5.50%) per annum. Interest on the Bonds shall be payable semiannually on such months of each year and on the day of such months as determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve (12) thirty-day months. The principal of the Bonds shall mature on such dates and in such principal amounts as shall

be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Municipal Debt Act (determined, if necessary, by combining such maturities with those of other obligations of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined into one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer. The authorization to issue the Bonds is effective without any additional action by the City Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer.

The Finance Officer, in his discretion, shall establish a date on and after which designated maturities of the Bonds shall be subject to redemption and prior payment in whole or in part at the option of the City. The redemption price of the Bonds shall be at such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the finance plan pursuant to which the Bonds are to be issued. The Finance Officer may establish a maturity schedule for the Bonds that includes a combination of serial Bonds and term Bonds, as long as Bonds within a single mandatory redemption are not split among term dates. Term Bonds shall be subject to mandatory sinking fund redemption on such dates and in such amounts as shall be determined by the Finance Officer.

Thirty (30) days prior to any redemption date, notice of any such redemption shall be given by mail to the banks (if any) where the Bonds are payable and to the registered owners, in accordance with the terms of the Municipal Debt Act. In the event of a partial redemption by lot of the Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal. The method of selecting Bonds for optional redemption may be altered in such manner as the Finance Officer shall determine to be necessary and appropriate in the interests of the City and the owners of the Bonds.

- **3.02. Method of Payment; Bond Registrar and Paying Agent.** The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as the initial bond registrar and paying agent (the "Paying Agent"), or at the designated office or offices of such other successor Paying Agent as the City may hereafter designate upon sixty (60) days mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of a minimum principal amount of Bonds (such minimum being no less than \$100,000) shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.
- **3.03. Bond Form.** The Bonds shall be prepared in substantially the following form with necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest, and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine:

(The remainder of this page is intentionally left blank.)
(Form of Bonds)
UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF HENNEPIN

No. R	\$

CITY OF MINNEAPOLIS

TAXABLE GENERAL OBLIGATION TAX INCREMENT REFUNDING BOND (TARGET CENTER PROJECT) SERIES _____

Date of Original Issue

CUSIP

Interest Rate

Maturity

Registered Owner:
Principal Amount:DOLLARS
The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value eceived, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from, or the most recent interest anyment date to which interest has been paid or duly provided for as specified below, on, and, until said principal sum is paid. Interest shat be computed on the basis of a 360-day year consisting of twelve (12) thirty-day months. Principal and the redemption price is payable in lawful money of the United States of America at the office of the inance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty (60) days notice to the respective registered was at their registered addresses. At the written request of the registered owner thereof, payment at least \$ in principal amount of Bonds of this series shall be made by wire transfer of the mediately available funds to any bank in the continental United States upon presentation and currender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month of the registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series and a paying the month of the goldens and the registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series.
by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name thi Bond is registered on such regular record dates and such defaulted interest may be paid to the person
n whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

Subject to the qualifications set forth herein, the City pledged to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of the resolution authorizing the issuance of the Bonds (the "Bond Resolution"); (ii) property taxes received by the City with respect to the private uses of a multipurpose sports facility that provides an arena for the National Basketball Association team and franchise, commonly known as the Minnesota Timberwolves, and is located on land within the NBA Arena Tax

Increment Financing District (the "Tax Increment District"); (iii) tax increment revenues derived from the Tax Increment District; (iv) a portion of the tax increment revenues derived from a consolidated group of tax increment financing districts in the City and designated the "Common Project" (as defined in the Bond Resolution); (v) if created by the City, a portion of the tax increment revenues derived from a Consolidated Redevelopment Tax Increment Financing District (the "Consolidated TIF District") established under Laws of Minnesota 2008, Chapter 366, Article 5, Section 37; (vi) a portion of the revenues derived from an entertainment tax imposed pursuant to Laws of Minnesota 1969, Chapter 1092, as amended; (vii) a portion of the net revenues transferred from the City Parking Fund; (viii) other revenues designated by the Finance Officer to be deposited in the debt service account for the Bonds pursuant to the terms of the Bond Resolution; and (ix) earnings derived from the investment of the foregoing. The pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the debt service account for the Bonds will be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. The City has found and determined that tax increment revenues pledged to the Bonds will comprise not less than twenty percent (20%) of the cost of the facilities refinanced with the proceeds of such Bonds and that such tax increment revenues, together with estimated collections of the other revenues pledged for the payment of the Bonds, will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

The full faith and credit of the City has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds and the City Council is obligated to levy ad valorem taxes on all taxable property in the City, without limitation as to rate or amount, if necessary to pay the principal of and interest on the Bonds when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the Revenues and any other revenues that are expected to pay the debt service on the Bonds of this series. Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the

security for the Bonds and interest thereon.		
All Bonds maturing on or after	, are subject to redemption	at the option of the
City, in whole or in part in such order as the City r	may determine, on	, and any date
thereafter at a redemption price equal to par plu	us accrued interest to the redemp	tion date [plus the
redemption premium set forth in the following ta	ble].	
[Redemption Prem	ium Table, if applicable]	
Thirty (30) days notice of prior redemption will be	be given by mail to registered owr	ers in the manner
provided by applicable provisions of the Act.		
[The Bonds maturing on,	are subject to mandatory sinking f	und redemption on
of the following years in the following	wing principal amounts:	

The Bonds maturing on _ are hereinafter referred to collectively as the "Term Bonds." The principal amounts of the Term Bonds subject to mandatory sinking fund redemption on any date may be reduced through earlier optional redemptions, with any partial redemptions of the Term Bonds credited against future mandatory sinking fund redemptions of such Term Bonds in such order as the City shall determine.]

[Mandatory Sinking Fund Redemption Schedule, if applicable]

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized

attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issued only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in regular and due time, form, and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the manual or facsimile signature of its Finance Officer and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated:	
	CITY OF MINNEAPOLIS, MINNESOTA
(SEAL)	ByFinance Officer
This is one of the Bonds described in	ration and Authentication Certificate the within mentioned Bond Resolution and has beer name of the Registered Owner identified above on the he City of Minneapolis.
(The remainder of this	Finance Officer, as Bond Registrar s page is intentionally left blank.)
A	SSIGNMENT
FOR VALUE RECEIVED, the undersign	ed hereby sells, assigns and transfers unto
he within Bond and all rights thereunde	e Name and Address of Transferee) er, and hereby irrevocably constitutes and appoints ney to transfer the within Bond on the books kept fo tution in the premises.
Please Insert Social Security Number or Other Identifying Number of Assignee.	Notice: The signature to this assignment mus correspond with the name as it appears on the face of this Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:	
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Signatures must be guaranteed by a national bank or trust company, or by a brokerage firm which is a member of a major stock exchange.

(The remainder of this page is intentionally left blank.)

- 3.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the payment of the principal of and interest on such Bonds, as in this Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate, and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar at the option of the registered owner thereof, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee, or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.
- **3.05.** Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange, or substitution.
- **3.06.** Bonds Mutilated, Destroyed, Stolen, or Lost. In case any Bond shall become mutilated or be destroyed, stolen, or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen, or lost, in exchange and substitution for such mutilated Bond, upon surrender and

cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen, or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen, or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

- **3.07.** Owners. As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name such Bond for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.
- **3.08.** Use of Securities Depository; Book-Entry Only System. The provisions of this Section 3.08 shall take precedence over the provisions of Sections 3.01, 3.02, and 3.04 through 3.07 hereof to the extent they are inconsistent with this Section 3.08.
- (a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").
- (b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of DTC or its nominee, the City and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Bond Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

(c) Upon receipt by the City and the Bond Registrar of written notice from DTC or any other securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer, and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners registering ownership, transferring, or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

- (d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer, and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.
- (e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representations is confirmed and shall apply to the Bonds.
- (f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.
- (g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer, and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

SECTION 4. SALE, EXECUTION, AND DELIVERY OF BONDS AND RELATED DOCUMENTS.

- 4.01. Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer under Section 475.60, subdivision 1, of the Municipal Debt Act and each series of Bonds shall be sold at the prices determined by the Finance Officer acting in accordance with the requirements of the Municipal Debt Act, including Sections 475.56 and 475.60 thereof and, in such regard, the Finance Officer shall determine the amount of the Bonds authorized to be issued for purposes of the Municipal Debt Act. The Bonds shall bear interest at the rates specified by the successful proposal and approved by the Finance Officer. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants on behalf of the City or direct any actions to be taken on behalf of the City as the Finance Officer may deem necessary and expedient, including but not limited to, approving an Official Statement and a Continuing Disclosure Certificate and approving or providing covenants regarding the Consolidated TIF District. Any original issue premium, unused discount, and unused issuance costs shall be applied to any one or more of the following: (i) deposit in the Debt Service Account to be applied to the payment of the principal of and interest on the Bonds; (ii) reduce the principal amount of the Bonds; or (iii) direct to such other purposes as determined to be appropriate by the Finance Officer.
- signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Bond; provided that the seal may be omitted in the discretion of the Finance Officer in accordance with the terms of the Municipal Debt Act. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of each Bond. When the Bonds have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Bonds shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the Finance Officer shall take such actions to provide for the redemption and prepayment of the Prior Bonds as are deemed appropriate by the Finance Officer. The purchasers of the Bonds shall not be bound to see to the authorized application of the purchase money. The Bonds shall not be valid for any purpose

until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the provisions of the Municipal Debt Act.

- **4.03.** Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds and any appropriate addendums to such Official Statement (collectively, the "Official Statement") to be prepared and delivered to such potential purchasers of the Bonds as the Finance Officer deems appropriate, and the use thereof by the purchasers is approved.
- **4.04. Certificates.** If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the purchasers at the closing: (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the Finance Officer shall also execute and deliver to the purchasers a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds. The Finance Officer shall also deliver the signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds under present laws and rulings.

SECTION 5. REFUNDING PRIOR BONDS; APPLICATION OF PROCEEDS OF BONDS.

- **5.01.** Redemption and Prepayment of Prior Bonds. All of the outstanding Prior Bonds are hereby called for redemption and prepayment on a date selected by the Finance Officer, but in no event more than ninety (90) days after the date of issuance of the Bonds except in the discretion of the Finance Officer.
- **5.02. Appropriation of Funds.** The proceeds of the Bonds are hereby appropriated as follows: (i) any accrued interest shall be deposited in the Debt Service Account; (ii) to the extent that the Finance Officer determines to make such deposits, the original issue premium, unused discount, and unused costs of issuance shall be deposited in the Debt Service Account; (iii) an amount, if any, determined by the Finance Officer to pay interest on the Bonds shall be set aside and applied to such purpose; (iv) an amount sufficient to refund the Prior Bonds shall be applied to such purpose; and (v) an amount sufficient to pay the costs of issuing the Bonds shall be set aside and applied to such purpose. Any remaining proceeds of the Bonds shall be applied to purposes of the City as determined and designated by the Finance Officer. Arrangements with the Trustee for the deposit of money sufficient to redeem and prepay the Series 1996 City Bonds shall be made on such terms and conditions as are deemed necessary or appropriate by the Finance Officer. Arrangements with the Trustee for the deposit of money sufficient to redeem and prepay the MCDA Bonds shall be made on such terms and conditions as are deemed necessary or appropriate by the Finance Officer.

SECTION 6. COVENANTS OF THE CITY.

6.01. **<u>Debt Service Account.</u>** There is hereby established a separate Debt Service Account for payment of principal of, premium, if any, and interest on the Bonds. Subject to the qualifications set forth herein, the City hereby pledges to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of Section 5.02 of this Resolution; (ii) property taxes received by the City with respect to the private uses of Target Center; (iii) tax increment revenues derived from the Tax Increment District; (iv) a portion of the tax increment revenues derived from the Common Project; (v) if created by the City, a portion of the tax increment revenues derived from a Consolidated Redevelopment Tax Increment Financing District (the "Consolidated TIF District") established under Laws of Minnesota 2008, Chapter 366, Article 5, Section 37; (vi) a portion of the revenues derived from an entertainment tax imposed pursuant to Laws of Minnesota 1969, Chapter 1092, as amended; (vii) a portion of the net revenues transferred from the City Parking Fund; (viii) other revenues designated by the Finance Officer to be deposited in the Debt Service Account for the Bonds pursuant to the terms of this Resolution; and (ix) earnings derived from the investment of the foregoing. The foregoing pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the Debt Service Account for the Bonds shall be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. The City hereby finds and determines that tax increment revenues pledged to the Bonds will comprise not less than twenty percent (20%) of the cost of the facilities refinanced with the proceeds of such Bonds and that such tax increment revenues, together with estimated collections of the other revenues pledged for the payment of the Bonds, will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

6.02. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that the Revenues and other revenues to be applied to the payment of the Bonds under Section 6.01 will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City, without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of Revenues and other revenues to be applied to the payment of the Bonds in the following year, together with available amounts on deposit in the Debt Service Account and other dedicated funds, are insufficient to pay the principal of and interest on the Bonds in such subsequent year and at least five percent (5%) in excess thereof.

SECTION 7. MISCELLANEOUS MATTERS RELATING TO BONDS.

- **7.01.** Registration. The Finance Officer or City Clerk is hereby authorized and directed to certify a copy of this Resolution and to cause the same to be filed with the Taxpayer Services Division Manager of Hennepin County, exercising the powers of the County Auditor under Section 475.63 of the Municipal Debt Act, and to obtain a certificate as to registration of the Bonds.
- **7.02.** <u>Certification</u>. The City Clerk, the Finance Officer, and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

SECTION 8. MISCELLANEOUS MATTERS RELATING TO BONDS.

- **8.01.** Enforceability of Bonds. All agreements, covenants, and obligations of the City contained in this Resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this Resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the City Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the City Council nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.
- **8.02.** Rights Conferred. Nothing in this Resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Bonds and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision of this Resolution.
- **8.03.** Persons Authorized to Execute Documents. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written

document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by an acting or assistant to such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

- 8.04. Amendments. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated by this Resolution is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel, or other counsel retained by the City to review such amendments; and (e) such amendments do not materially prejudice the interests of the owners of the Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.
- **8.05.** Effective Date. This Resolution shall take effect and be in force from and after its approval and publication. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted 12/4/2009.

Approved by Mayor Rybak 12/4/2009.

W&M/Budget - Your Committee, to whom was referred back from Council on 7/31/2009 the recommendations of the Finance Department relating to establishment of a Consolidated Redevelopment Tax Increment Financing (TIF) District (Petn 273608) to provide funding for the City's debt service obligations related to the Target Center as well as a source of funding for neighborhood revitalization activities beginning in 2011, as follows:

- a) Passage of the accompanying resolutions 1) approving the Consolidated Redevelopment Tax Increment Financing District and Plan; and 2) Amending the 2009 General Appropriation Resolution by establishing the Consolidated TIF District Fund in the Department of Community Planning and Economic Development, and appropriating \$10,000 to said fund;
 - b) Approving the Basic Tax Increment Allocation Methodology described in the staff report;
- c) Authorizing the Finance Officer to enter into a Memorandum of Understanding between the City of Minneapolis and Hennepin County pursuant to the basic terms described in the staff report;

now recommends that the Finance Department's recommendation **be sent forward without recommendation**.

Ostrow moved that the report be amended by approving the following resolution. Seconded.

RESOLUTION

By Ostrow

Whereas, in late 2008, the Council directed the Finance Department to establish a new tax increment financing (TIF) district, as permitted by the special TIF legislation. The new TIF district would provide funding for eligible neighborhood activities and Target Center debt relief, and could encompass up to 100% of the parcels and value in the pre-1979 TIF districts (decertified on August 1, 2009). It was originally projected that the proposed new district (the "Consolidated TIF District") could generate \$24M-\$26M in annual net tax increment; and

Whereas, given the current state of the economy, the Mayor recommended in the 2010 budget that the Council establish the Consolidated TIF District at 50% of the value of the pre-1979 TIF district, producing up to \$13M. Current projections indicate that at this reduced size the new district would generate \$107.3M from 2011-2020; and

Whereas, the Council and Mayor can choose to proceed with the establishment of the Consolidated TIF District, fund the activities using existing levy authorities or a combination of both; and

Whereas, the use of the Consolidated Redevelopment Tax Increment Financing District for Target Center and neighborhoods raises the following concerns:

- It is not transparent to property taxpayers. Results in increases to both city and school district property tax rates;
- 2. It is extremely complex to establish and administer;
- 3. The funding mechanism expires after 10 years which results in funding ongoing city services and commitments with a temporary funding source;
- 4. Annual revenue is variable and subject to change each year;
- 5. It increases the percentage of the City tax base in TIF districts;
- 6. It creates a false perception of a "dedicated" funding source that doesn't annually compete with other City priorities.

Therefore, Let it Be Resolved that:

- a) The City Council does not approve the recertification of the Consolidated Redevelopment Tax Increment Financing District and Plan and further determines that these parcels will return to the city's net tax capacity:
- b) Funding for neighborhoods and the Target Center shall be provided for through the general fund and shall be incorporated into the five-year financial direction for 2010-2014 and into a twenty year plan for neighborhoods and the Target Center as set forth in Attached Exhibit A;
- c) In order to avoid an unacceptable impact on the property taxpayer in 2011 and 2012, general fund expenditures for neighborhoods and Target Center shall be phased in as the city's net tax capacity increases due to the decertification of TIF districts. In order to increase available funding in 2011 and 2012, the Hilton Fund shall make a four million dollar loan to the fund for neighborhoods and Target Center in 2011 and 2012, to be repaid in 2013 and 2014 as shown on Exhibit B.

Glidden moved that the following report be substituted in lieu of the Ostrow resolution. Seconded.

To direct Finance staff to amend the Tax Increment Finance Plan for the proposed Consolidated Tax Increment Financing District (dated June 5, 2009), to reflect the following changes:

1. Reduce the size of the proposed TIF district to approximately 50% of the total net tax capacity of all of the parcels located within the former pre-1979 TIF districts. Parcels shall be selected for

inclusion or exclusion based upon a methodology developed by Finance staff and approved by the City Finance Officer. The overall mix of commercial/industrial/utility (CIU) and non-CIU properties shall be proportionally similar to that in the former pre-1979 TIF districts as a whole.

2. Adjust the tax increment budget to account for the smaller district size and current tax increment projections. The budget should be based on the following allocation methodology:

Tax Increment Allocation Methodology

Tax increment that is received each year from the Consolidated TIF District shall first be used to 1) make the necessary reimbursement payments to Hennepin County (as required by the Special Legislation); and 2) pay for the City and County costs of administering the TIF district. The remaining "Net Tax Increment" shall then be allocated as follows:

50% for Target Center debt service, up to \$50 million

At least 50% for neighborhood revitalization purposes, including any tax increment in excess of \$50 million dedicated to Target Center Debt service.

Note: Any sub-allocation of net tax increment for neighborhood revitalization purposes could be determined by separate Council action(s) and included in other reports.

- 3. Reduce the maximum amount of bonds to be issued. Such amount shall not exceed \$60,000,000, which is the maximum size of the upcoming Target Center refunding bond issue.
- 4. Adjust and update other sections and exhibits of the proposed TIF plan to make them consistent with the changes described above, and return to the Committee of the Whole on December 17, 2009, if possible, with a revised and amended report, TIF plan, and authorizing resolutions.

Hodges moved to amend the Glidden substitute report by deleting the language "50% for Target Center debt service, up to \$50 million. At least 50% for neighborhood revitalization purposes, including any tax increment in excess of \$50 million dedicated to Target Center Debt service." and inserting in lieu thereof "50% for Target Center debt service; 50% for neighborhood revitalization purposes" Seconded.

Adopted. Yeas, 8; Nays, 5 as follows:

Yeas - Hofstede, Ostrow, Remington, Benson, Goodman, Hodges, Samuels, Johnson.

Nays - Gordon, Schiff, Lilligren, Colvin Roy, Glidden.

Glidden's substitute motion was adopted. Yeas, 9; Nays, 4 as follows:

Yeas - Gordon, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Hodges, Samuels, Johnson.

Nays - Hofstede, Ostrow, Remington, Goodman.

The report, as amended, was adopted 12/4/2009. Yeas, 9; Nays, 4 as follows:

Yeas – Hofstede, Schiff, Lilligren, Colvin Roy, Glidden, Benson, Hodges, Samuels, Johnson.

Nays - Gordon, Ostrow, Remington, Goodman.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Mike Rudh, on behalf of Shelby and Patrick Scheuerman from the decision of the Board of Adjustment which denied applications for a variance to reduce the front yard setback along Russell Avenue South and a variance to reduce the east interior side yard setback from six feet to one foot, at 5307 Russell Avenue South, now recommends that said appeal be granted, and the applications approved.

Adopted 12/4/2009.

- **Z&P** Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, (requiring outdoor children's play space accessory to certain multiple-family residential uses), now concurs in the recommendation of the Planning Commission that the related findings be adopted and that the following ordinances be given their second reading for amendment and passage:
 - a. Amending Chapter 536 relating to Specific Development Standards; and
 - b. Amending Chapter 546 relating to Residence Districts.

Your Committee further recommends that Chapters 520 and 535 be returned to author. Adopted 12/4/2009.

Ordinance 2009-Or-186 amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to *Zoning Code: Specific Development Standards*, amending Section 536.20 to add specific development standards relating to children's play space for multiple family dwellings, was adopted 12/4/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-186
By Schiff
Intro & 1st Reading: 5/16/2008
Ref to: Z&P
2nd Reading: 12/4/2009

Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Specific Development Standards.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by adding thereto the following specific development standards in alphabetical sequence to read as follows:

536.20. Specific Development Standards. The uses listed below are subject to the following specific development standards, in addition to all other applicable regulations:

Multiple family dwelling, five units or more.

- (1) All multiple family dwellings of five (5) or more units that include at least one (1) dwelling with three (3) or more bedrooms shall provide an outdoor children's play area to serve residents of the development on sites meeting the following criteria:
 - <u>a.</u> At least twenty thousand (20,000) square feet of lot area.
 - b. Located in the R5 or R6 Multiple Family Districts.
 - c. Located at least one thousand five hundred (1,500) feet from a public park.
 - <u>d.</u> <u>Located outside the UA University Area Overlay District.</u>
- (2) All required outdoor children's play areas shall be subject to the following requirements:
 - a. An active, outdoor children's play area shall be a minimum of fifty (50) square feet for each unit containing three (3) or more bedrooms, but not less than three hundred (300) square feet of play area to a maximum required area of two thousand (2,000) square feet.
 - <u>The play area shall be secure, shall be separated from parking and maneuvering areas, and shall be designed to facilitate adult supervision.</u>
 - c. Play equipment shall be effectively screened from any adjacent residential use located in a residence or office residence district or from a ground floor permitted or conditional residential use, as specified in Chapter 530, Site Plan Review.
 - d. The play area shall include play equipment, or natural features suitable for children in both preschool and elementary school. If pre-fabricated, play equipment shall be installed to manufacturer's specifications.

- e. Areas should be designed for winter use and relate to the built form with consideration given to elements such as providing shelter from wind, utilizing seasonally appropriate materials, maximizing access to sunlight and providing for snow and ice removal.
- <u>f.</u> <u>Play equipment shall not be located in a required yard and not more than twenty five (25) percent of the required square footage of the play area may be located in a required yard.</u>

Adopted 12/4/2009.

Ordinance 2009-Or-187 amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to *Zoning Code: Residence Districts*, amending Table 546-1 to indicate the existence of specific development standards for multiple family dwellings with five or more units, was adopted 12/4/2009 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2009-Or-187
By Schiff
Intro & 1st Reading: 5/16/2008
Ref to: Z&P
2nd Reading: 12/4/2009

Amending Title 20, Chapter 546 of the Minneapolis Code of Ordinances relating to Zoning Code: Residence Districts.

The City Council of the City of Minneapolis do ordain as follows: Section 1. That Table 546-1 the above-entitled ordinance be amended to read as follows:

Table 546-1 Principal Uses in Residence Districts

0---:

Uses RESIDENTIALUSES	R1	R1A	R2	R2B	R3	R4	R5	R6	Development Standards
Multiple-family dwelling, five (5) units or more					С	С	С	С	$\sqrt{}$

Adopted 12/4/2009.

Z&P - Your Committee recommends approval of a correction to the legal description included in the vacation of part of Pierce Street NE located between 18th Avenue NE and 16th Avenue NE (Vac-521), originally approved by the City Council on June 26, 1970.

Your Committee further recommends passage of the accompanying resolution correcting said legal description for VAC 521.

Adopted 12/4/2009.

Resolution 2009R-582 correcting the legal description for VAC 521: Vacating the intersection of 16th Avenue NE and Pierce Street NE, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-582 By Schiff

Correcting the legal description for VAC 521: Vacating the intersection of 16th Avenue NE and Pierce Street NE.

Resolved by The City Council of The City of Minneapolis:

That the above referenced VAC-521 be corrected to include the following:

Those parts of Pierce Street NE, as dedicated in Honnette's Addition To Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota, and 16th Avenue NE, as dedicated as an unnamed street in said Honnette's Addition To Minneapolis, which lies easterly of a line and its southerly extension drawn 33.00 feet westerly of and parallel with the west line of Block 6, said Honnette's Addition To Minneapolis, which lies northerly of a line and its westerly extension drawn 30.00 feet southerly of and parallel with the south line of said Block 6, which lies westerly of and the southerly extension of the west line of Lot 7, said Block 6 and which lies southerly of the westerly extension of the south line of said Lot 7

is hereby vacated except that such vacation shall not affect the existing easement rights and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforedescribed street which is described in regard to each of said corporation(s) as follows, to wit:

As to the City of Minneapolis, a public sewer and storm drain easement over the South 15 feet of the North one-half of 16th Avenue Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the East line of Pierce Street Northeast and the extension of the center-line of Pierce Street Northeast; also,

The West 15 feet of the East one-half of Pierce Street Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the South line of Lot 12, Block 6, Honnette's Addition to Minneapolis and a line which is 15 feet North from, measured at right angles to and parallel with the center-line of 16th Avenue Northeast; also

The South one-half of 16th Avenue Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the West line of Buchanan Street Northeast and the extension of the East line of Fillmore Street Northeast; also,

The South 15 feet of the North one-half of 16th Avenue Northeast, as originally constituted, now vacated or to be vacated, lying between the extension of the center-line of Pierce Street Northeast and the extension of the East line of Fillmore Street Northeast;

All according to the plat of said addition on file or of record in the office of the Register of Deeds in and for Hennepin County, Minnesota.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said easement upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 12/4/2009.

Z&P - Your Committee recommends adoption of the accompanying Resolution by Council Members Ostrow and Hofstede regarding the implementation of the Lowry Avenue Corridor Plan in Northeast Minneapolis, to signal to Hennepin County, neighborhoods, and others the importance of revisiting, refining, and updating the Lowry Avenue Corridor Plan recommendations prior to implementation and to help relieve the uncertainty that is discouraging investment along the corridor.

Adopted 12/4/2009.

Resolution 2009R-583, regarding implementation of the Lowry Avenue Corridor Plan in Northeast Minneapolis, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-583 By Ostrow & Hofstede

Regarding implementation of the Lowry Avenue Corridor Plan in Northeast Minneapolis.

Whereas, the City Council approved the Lowry Avenue Corridor Plan on July 12, 2002, with conditions, including:

- a. "that Hennepin County continues to coordinate with the Technical Advisory Committee and Community Advisory Committee as it moves into subsequent stages including but not necessarily limited to the acquisition plan, redevelopment plans, preliminary roadway alignments, preliminary and final design states; and
- b. that separate approval of the preliminary roadway alignment is required; and
- c. that separate approvals of subsequent design phases are required. The City of Minneapolis is supportive of Hennepin County's conceptual plan for the Lowry Avenue Corridor and encourages Hennepin County to address the following issues in conjunction with its partners:
 - continue to review proposed land uses, design guidelines and economic development opportunities to create livable neighborhoods, evaluating proposed roadway widths and other design features;
 - comply with the Minneapolis Plan to increase the variety of housing types and economic opportunity, strengthen the Lowry Community Corridor, area commercial nodes and the Central/Lowry Activity Center by providing for appropriate density, urban design and uses; and
 - ensure continued dialogue with abutting neighborhoods, neighborhood organizations, and other stakeholder groups as this conceptual plan evolves;" and

Whereas, these conditions reflected, among other issues, a concern regarding the plan's recommendations for large right-of-way acquisitions – and subsequent building demolitions – along the Lowry Avenue corridor in Northeast Minneapolis from Marshall Street NE to Central Avenue NE; and

Whereas, changes to both City and County policy since the adoption of the plan further support reexamination of the impacts of the proposed project, especially regarding its impacts to pedestrian safety and accessibility, as well as impacts on businesses and residences; and

Whereas, the design of Lowry Avenue as proposed in the Lowry Avenue Corridor Plan is not in conformance with the City's *Access Minneapolis Design Guidelines for Streets and Sidewalks* (2008), which identifies Lowry Avenue between Marshall and Central as a Community Connector with a maximum of 2-3 lanes for automobile traffic, rather than the Lowry Plan's suggested 4-5; and

Whereas, the City's Central Avenue Plan (2008) addresses these concerns and "offers a recommendation for resolving the outstanding issues so property owners can make decisions based on a predictable future... [with] a context sensitive solution to rebuilding Lowry Avenue with a goal of maximizing economic development opportunities, maintaining (and redeveloping) important urban buildings, and creating a pedestrian friendly intersection that serves the overall redevelopment of the area" and

Whereas, the impacts at Central and Lowry described above are similarly felt at other intersections along Lowry, including Marshall, University, and 2nd.

Now, Therefore, Be It Resolved by the City Council of the City of Minneapolis:

That the City of Minneapolis commits to support road design alternatives for Lowry Avenue in Northeast Minneapolis that are in conformance with other adopted City plans; preserve existing homes, businesses, and development opportunities; and prioritize non-motorized travel modes.

Be It Further Resolved that the City of Minneapolis urges Hennepin County to update its corridor plan beginning in 2010 and to work closely with the City, neighborhood organizations, residents, and businesses to evaluate alternatives for Lowry Avenue improvements, including but not limited to: alignments with two or three traffic lanes, relocating some transportation facilities onto parallel streets, and addressing existing and projected traffic issues through targeted improvements at intersections rather than widening the entire corridor.

Adopted 12/4/2009.

Z&P-Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Minneapolis Warehouse District, consisting of 254 individual resources, containing a total of 1,936 properties, in an area roughly bounded by First Avenue North on the east, First Street North on the north, Tenth Avenue North on the west, and Sixth Street North on the south, as shown on the map of the district on file in the office of the City Clerk, be designated as a historic district, and that the findings prepared by the Department of Community Planning and Economic Development be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Minneapolis Warehouse District as a historic district.

Adopted 12/4/2009.

Resolution 2009R-584, designating the Minneapolis Warehouse District as a Historic District, was adopted 12/4/2009 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2009R-584 By Schiff

Designating the Minneapolis Warehouse District as a Historic District.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on November 5, 2009 and recommended to the Standing Committee on Zoning and Planning that the 254 individual resources, containing a total of 1,936 properties, in an area roughly bounded by First Avenue North on the east, First Street North on the north, Tenth Avenue North on the west, and Sixth Street North on the south, as shown on the map of the district on file in the office of the City Clerk, be designated as a historic district entitled Minneapolis Warehouse District;

Whereas, these resources and properties are significant as an early example of commercial growth as the city's warehousing district, which expanded during the late nineteenth and early twentieth centuries and was fueled by the increased rail access that allowed Minneapolis to become a major distribution and jobbing center for the northwest, the buildings are significant as exemplary of the commercial architectural styles from 1865 to 1930.

Whereas, the Planning Division of the Department of Community Planning and Economic Development compiled a list of the addresses and legal descriptions of the properties, also on file in the office of the City Clerk; and

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on September 17, 2009; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated October 9, 2009, and

Whereas, on November 19, 2009 the Standing Committee on Zoning and Planning recommends designation as a historic district;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis Warehouse District, encompassing 254 individual resources containing a total of 1,936 properties roughly bounded by First Avenue North on the east, First Street North on the north, Tenth Avenue North on the west, and Sixth Street North on the south is hereby designated as a historic district.

Adopted 12/4/2009.

MOTIONS

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of January, 2010, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 12/4/2009.

Johnson moved to adopt the draft 2010 City Council Meeting Calendar, amending the draft 2010 City Council Meeting Calendar adopted October 30, 2009, as set forth in Petn No 273952.1, with formal adoption to take place at the organizational meeting of January 4, 2010. Seconded.

Adopted 12/4/2009.

UNFINISHED BUSINESS

W&M/Budget - Your Committee, having under consideration changes to the City's Financial Policies, now recommends that the proper City officers be authorized to amend said policies to eliminate conflicting language and to expand the independent board recoupment policy (Petn No 273898).

Ostrow moved to divide the report so as to consider separately that portion relating to eliminating conflicting language. Seconded.

Adopted by unanimous consent 12/4/2009.

W&M/Budget - Your Committee, having under consideration changes to the City's Financial Policies, now recommends that the proper City officers be authorized to amend said policies to eliminate conflicting language (Petn No 273898).

Adopted 12/4/2009.

W&M/Budget - Your Committee, having under consideration changes to the City's Financial Policies, now recommends that the proper City officers be authorized to amend said policies to expand the independent board recoupment policy (Petn No 273898).

Colvin Roy moved that the report be postponed. Seconded.

Adopted upon a voice vote 12/4/2009.

Pursuant to notice, Hodges moved to introduce the subject matter of an ordinance amending Title 2, Chapter 17 of the Minneapolis Code of Ordinances relating to Administration: Finance Department, for first reading and referral to the Ways & Means/Budget Committee for a public hearing on December 14, 2009 at 1:45 p.m. (relating to provisions for internal audit of the financial functions of the City). Seconded.

Adopted upon a voice vote 12/4/2009.

Goodman moved to adjourn. Seconded. Adopted upon a voice vote 12/4/2009.

Steven J. Ristuben, City Clerk.

Unofficial Posting: 12/09/2009 Official Posting: 12/11/2009